UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOE Technology Group Co., Ltd.
Petitioner

v.

Optronic Sciences LLC
Patent Owner

Inter Partes Review No.: IPR2024-01315

PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO DISMISS FOR FAILING TO DISCLOSE ALL REAL PARTIES IN INTEREST

INDEX OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 8,158,477 (477 Patent)
1002	Declaration of Dean Neikirk in Support of Petition for Inter Partes Review of U.S. Patent 8,158,477 (477 Patent)
1003	U.S. Patent No. 7,330,168 ("Anzai")
1004	U.S. Patent No. 6,992,332 ("Yamazaki")
1005	File History of U.S. Patent No. 8,158,477
1006	Polysilicon TFT Technology for Active Matrix OLED Display by Mark Stewart, et. al., ("Stewart")
1007	**U.S. Patent Publication No. 2003/0067266 ("Kim")**
1008	**U.S. Patent Publication No. 2006/0208979 ("Fish")**
1009	PCT Publication No. WO 2003/71511 ("Choi")
1010	U.S. Patent No. 6,476,419 ("Yasuda")
1011	U.S. Patent Publication No. 2003/0117059 ("Koo")
1012	U.S. Patent No. 6,610,997 ("Murade")
1013	U.S. Patent No. 6,246,179 ("Yamada")
1014	A Flexible Multilayer Resist System Using Low Temperature Plasma-Deposited Silicon Nitride by B.R. Soller et. Al., ("Soller")
1015	Room Temperature Deposition of Silicon Nitride Films for Passivation of Organic Electroluminescence Device Using a Sputtering Type Electron Cyclotron Resonance Plasma by Dawei Gao, et. al. ("Gao")
1016	U.S. Patent No. 7,948,170 ("Strakhilev")
1017	Declaration of Zachary Loney in Support of Motion for Pro Hac Vice Admission
1018	Judgment, IPR2016-00917 (September 21, 2016)
1019	*Arthrex, Inc. v. Smith & Nephew, Inc.*, No. 17-1239 (Fed. Cir. 2018)
1020	Petitioners' Demonstratives
1021	Declaration of Yongqi Zhang
1022	BOE Website – Values and Ideas (https://www.boe.com/en/about/valuesAndIdeas)
1023	BOE Website – About Us (https://www.boe.com/en/about/index)

Exhibit No.	Description
1024	Intel Press Release (https://www.intc.com/news-events/pressreleases/detail/1748/intel-and-trump-administration-reachhistoric-agreement-to)
1025	Micron Press Release (https://www.micron.com/about/press/media-relations/presskits/micron-celebrates-chips-act-grant-announcement)
1026	TRIPS Agreement – Article 3
1027	Paris Convention for the Protection of Industrial Property
1028	SDC and BOE Joint Motion to Terminate on the Basis of a Settlement Agreement
1029	Patent Owner Email to the Board seeking leave for supplemental briefing

PO's real party in interest ("RPI") arguments are waived and baseless.

PO has waived any dispute as to RPI by failing to raise it in any of its papers, waiting until after oral argument to request leave for supplemental briefing, and failing to make the required showing under 37 C.F.R. § 42.123(b) as to why this information could not have been obtained earlier. Paper 14 at 10 (deemed waived); Trial Practice Guide, 52; *In re Nuvasive, Inc.*, 842 F.3d 1376, 1381 (Fed. Cir. 2016). Petitioner put PO on notice of the need to address these issues (Ex. 1029), but PO chose not to do so. Thus, it is undisputed that PO waived this issue and that PO could have obtained this information earlier.

Waiver aside, PO's factual assertions are baseless. Petitioner BOE's real party in interest ("RPI") identification is correct. *See* Paper 1 at 67. All of PO's alleged facts are wrong or irrelevant. PO did not do its diligence before making its real party in interest ("RPI") allegation. As the newly precedential *Corning* decision explains, "[a] patent owner challenging a petitioner's RPI disclosure must provide sufficient evidence to show the disclosure is inadequate." *Corning Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 at 13 (PTAB Aug. 18, 2015). PO failed to meet its burden.

PO's allegation that BOE is on the Department of Commerce's "entity list" is simply wrong. Paper 33 at 1. BOE is not. Ex. 1021 (Zhang Decl.) ¶¶ 3-4. PO presumably is trying to sow confusion based on an unrelated entity named "Beijing

Opto-Electronics Technology Company" ("Beijing Opto"). Ex. 2008 at 2. Beijing Opto is ***not*** Petitioner BOE, nor is it related to BOE. Ex. 1021 (Zhang Decl.) ¶ 3. Beijing is commonly used in the name of companies from Beijing. *Id.*, ¶ 4. PO cites nothing to the contrary. Paper 33. BOE is a public company traded on the Shenzhen Stock Exchange—not a government entity. *See, e.g.*, Ex. 2011 at 10. In fact, BOE is a world leader in the semiconductor display and smart system industries. Ex. 1022. BOE values intellectual property and has filed more than 100,000 patent applications around the world, which makes BOE the 12th highest U.S. patent assignee in 2024. Ex. 1021 (Zhang Decl.) ¶ 6; Ex. 1023.

Investment in a public company is not an exercise of government control. By analogy, the U.S. government recently announced that it will purchase approximately 10% of Intel's stock and invest billions in Micron. *See* Exs. 1024, 1025. This does not make Intel or Micron an arm of the U.S. government. Moreover, the U.S.'s treaty obligations prevent treating foreign companies differently than U.S. companies. *See* Ex. 1026 (TRIPS, Article 3); Ex. 1027 (Paris Convention, Article 2(1)). While the parties' nationality should not matter, PO's patent comes from a Taiwanese company. *See* Ex. 1001, (73). And PO's undisclosed ownership scheme could be dominated by foreign entities. Similarly, PO's reliance on a letter submitted in a now amicably resolved ITC dispute—between Samsung Display of Korea and BOE of China—(Ex. 1028) misses the

mark. Like any large company, BOE gets involved in intellectual property disputes from time-to-time, both as plaintiff and defendant.

Finally, PO misstates the role of BOE's "actual controller," both misidentifying who the "actual controller" is and the nature of its responsibility over BOE. First, PO misidentifies BOE's "actual controller" as the PRC, whereas PO's evidence identifies "Beijing Electronics Holdings Co., Ltd" ("BEH"). Ex. 2011 at 111-112; *see also* Ex. 1021 (Zhang Decl.) ¶ 5. Moreover, BEH is indirectly owned by the Beijing City government, not the PRC. Second, as the exhibit PO cites expressly states, the "actual controller" does not control BOE in any way relevant to the RPI analysis. The RPI analysis involves showing that a non-party funds, directs, and controls ***an IPR petition or proceeding*** and not merely that it has some relationship with the petitioner. *Corning,* IPR2014-00440, Paper 68 at 14. The BOE annual report demonstrates that BOE is "independent from the controlling shareholder and the actual controller in terms of business, personnel, assets, organization and financing, with independent & complete business and capability to operate independently." Ex. 2011 at 46; *see also* Ex. 1021 (Zhang Decl.) ¶ 5. BEH does not fund, direct, or control this IPR petition or proceeding. *Id.* PO's generalized attorney argument of control does not show otherwise.

Respectfully, PO's motion to dismiss should be denied because it has been waived and is meritless.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies pursuant to 37 C.F.R. §§ 42.6(e) and 42.105 that on December 5, 2025, a true and correct copy of the forgoing document was served by emailing a copy of same (by agreement) to the following attorneys for the Patent Owner:

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