

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOE TECHNOLOGY GROUP CO., LTD.,
Petitioner,

v.

PANELTOUCH TECHNOLOGIES LLC,
Patent Owner.

Case No. IPR2025-01246
U.S. Patent No. 8,803,836

**OPPOSITION TO PATENT OWNER'S
SUPPLEMENTAL BRIEF REGARDING REAL PARTIES IN INTEREST**

TABLE OF AUTHORITIES

Page(s)

Cases

<i>Corning Optical Communications RF, LLC v. PPC Broadband Inc.</i> , IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015).....	1, 3
<i>Taylor v. Sturgell</i> , 533 U.S. 880 (2008).....	3

Statutes

35 U.S.C. § 314.....	1
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Other Authorities

Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012)	3
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LISTING OF PETITIONER’S EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 8,803,836 (the “’836 patent”)
1002	Prosecution History of U.S. Patent No. 8,803,836
1003	Declaration of Dr. Vivek Subramanian
1004	U.S. Patent Publication No. 2008/0303798 A1 (“Nakamura”)
1005	U.S. Patent Publication No. 2008/0266273 A1 (“Slobodin”)
1006	Prosecution History of U.S. Patent No. 9,639,229 (excerpted)
1007	JP-A-2002-342014 to Takaya (“Takaya”)
1008	U.S. Patent Publication No. 2009/0096763 A1 (“Hinata”)
1009	U.S. Patent Publication No. 2010/0013785 A1 to Murai (“Murai”)
1010	3/22/2024 Assignment of ’836 Patent to Paneltouch
1011	District Court Complaint
1012	Waiver of Service
1013	Declaration of Yongqi Zhang
1014	BOE Website – Values and Ideas (https://www.boe.com/en/about/valuesAndIdeas)
1015	BOE Website – About Us (https://www.boe.com/en/about/index)
1016	Beijing Opto Website (http://en.oet.com.cn/)

Exhibit	Description
1017	Intel Press Release (https://www.intc.com/news-events/press-releases/detail/1748/intel-and-trump-administration-reach-historic-agreement-to)
1018	Micron Press Release (https://www.micron.com/about/press/media-relations/press-kits/micron-celebrates-chips-act-grant-announcement)
1019	TRIPS Agreement – Article 3
1020	Paris Convention for the Protection of Industrial Property
1021	SDC and BOE Joint Motion to Terminate on the Basis of a Settlement Agreement

Petitioner BOE's real party in interest ("RPI") identification is correct. *See* Paper 1 at 3. Patent Owner Paneltouch did not do its diligence before making its real party in interest ("RPI") allegation—all of its alleged facts are wrong or irrelevant. 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).

Paneltouch failed to meet its burden. Moreover, Paneltouch's brief requests discretionary denial under § 314(a) to deny institution (Paper 11 at 3), but the Director already ruled on that. *See* Paper 10.

Paneltouch's allegation that BOE is on the Department of Commerce's "entity list" is simply wrong. Paper 11 at 1. BOE is not. Ex. 1013 (Zhang Decl.) ¶¶ 3-4. Paneltouch does not identify BOE's name on the list because BOE is not on that list. Instead, Paneltouch presumably is trying to sow confusion based on an unrelated entity named "Beijing Opto-Electronics Technology Company" ("Beijing Opto"). Ex. 2005 at 2. Beijing Opto is *not* Petitioner BOE, nor is it related to BOE. Ex. 1013 (Zhang Decl.) ¶ 3. Beijing is commonly used in the name of companies from Beijing. *Id.*, ¶ 4. Paneltouch cites nothing to the contrary. Paper 11. BOE is a public company traded on the Shenzhen Stock Exchange—not a government entity. *See, e.g.*, Ex. 2008 at 10. In fact, BOE is a

world leader in the semiconductor display and smart system industries. Ex. 1014. 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. 1013 (Zhang Decl.) ¶ 6; Ex. 1015.

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. 1017, 1018. 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. 1019 (TRIPS Article 3); Ex. 1020 (Paris Convention Article 2(1)). While the parties' nationality should not matter, Paneltouch's patent comes from Japanese companies. *See* Ex. 1001, (71). And, for all we know, Paneltouch's undisclosed ownership scheme could be dominated by foreign entities. Similarly, Paneltouch's reliance on a letter submitted in a now amicably resolved ITC dispute—between Samsung Display of Korea and BOE of China—(Ex. 1021) misses the mark. Like any large company, BOE gets involved in intellectual property disputes from time-to-time, both as plaintiff and defendant.

Finally, Paneltouch misstates the role of BOE's "actual controller," both misidentifying who the "actual controller" is and the nature of its responsibility over BOE. First, Paneltouch misidentifies BOE's "actual controller" as the PRC,

whereas Paneltouch's evidence identifies "Beijing Electronics Holdings Co., Ltd" ("BEH"). Ex. 2008 at 111-112; *see also* Ex. 1013 (Zhang Decl.) ¶ 5. Moreover, BEH is not owned by the PRC. It is indirectly owned by the Beijing City government. Second, as the exhibit Paneltouch 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 (citing Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48759 (Aug. 14, 2012), *Taylor v. Sturgell*, 533 U.S. 880 (2008)). The BOE annual report Paneltouch relies on 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. 2008 at 46; *see also* Ex. 1013 (Zhang Decl.) ¶ 5. BEH does not fund, direct, or control this IPR petition or proceeding. *Id.* Paneltouch's generalized attorney argument of control does not show otherwise.

Respectfully, Paneltouch's request for denial of BOE's petition based on improper identification of the RPI should be rejected.

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Date: December 2, 2025

Respectfully submitted,

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CERTIFICATE OF PAGE COUNT

The undersigned certifies that the foregoing paper complies with the page limit set forth in the Board's authorization of this opposition. *See* Ex. 3101. The foregoing is not more than three pages.

Dated: December 2, 2025

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing paper and associated Exhibits 1013-1021 were served on December 2, 2025 via electronic mail upon the following counsel of record for Patent Owner:

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