

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 IPR2025-01267
U.S. Patent No. 11,126,025

**PATENT OWNER'S SUPPLEMENTAL BRIEF REGARDING BOE'S
FAILURE TO DISCLOSE ALL REAL PARTIES IN INTEREST**

PATENT OWNER’S UPDATED EXHIBIT LIST

No.	Description
2001	Docket Navigator IPR Stay Statistics
2002	Docket Navigator Judge Gilstrap Median Time-to-Trial Statistics
2003	<i>Dabico Airport Solutions Inc. v. Axa Power Aps</i> , IPR2025-00408 (Paper 21)
2004	BOE Technology, WIKIPEDIA, available at https://en.wikipedia.org/wiki/BOE_Technology (last accessed October 16, 2025).
2005	US11112025B2, GOOGLE PATENTS, available at https://patents.google.com/patent/US11126025B2/en?q=11126025 (last accessed October 16, 2025).
2006	<i>Proposed Revision to Rules of Practice before the Patent Trial and Appeal Board</i> , DEPARTMENT OF COMMERCE (filed Oct. 16, 2025).
2007	Director’s July 31, 2025 Memorandum (“July 31 Memo”), available at: https://www.uspto.gov/sites/default/files/documents/aapa_memo_final_signed.pdf?utm_campaign=subscriptioncenter&utm_medium=email&utm_source=govdelivery .
2008	Declaration of Dr. Eric Bretschneider in Support of Patent Owner’s Preliminary Response.
2009	<i>Curriculum Vitae</i> of Dr. Eric Bretschneider.
2010	Director Squire’s October 28, 2025 Memorandum.
2011	Excerpts from “Entity List,” <i>Export Administration Regulations</i> , BUREAU OF INDUSTRY AND SECURITY, available at https://www.bis.gov/regulations/ear/744#supplement-4-744 (last accessed Nov. 5, 2025).
2012	<i>Letter to U.S. International Trade Commission</i> , U.S. HOUSE OF REPRESENTATIVES SELECT COMMITTEE ON THE CHINESE PARTY (dated December 18, 2024).
2013	BOE Technology Ground Co., LTD. Annual Report 2024 (Summary).
2014	BOE Technology Ground Co., LTD. Annual Report 2024, available for download at

No.	Description
	https://www.boe.com/en/investorRelations/regularCompanyAnnouncements (last visited Nov. 6, 2025).
2015	<i>Primer on Important Amendments to the Chinese Company Law</i> , AMERICAN BAR ASSOCIATION, https://www.americanbar.org/groups/franchising/resources/franchise-lawyer/2024-winter/primer-important-amendments-chinese-company-law/ (published Aug. 23, 2024).
2016	<i>Actual controllers with foreign residency rights and corporate tax avoidance: Evidence from private listed companies in China</i> , EMERGING MARKETS REVIEW VOL. 26, available at https://www.sciencedirect.com/science/article/abs/pii/S1566014125001207 (last accessed Nov. 5, 2025).
2017	<i>Legal Representative vs. Actual Controller: Who Really Runs a Chinese Company?</i> , CNBIZINSIGHT, available at https://cnbizinsight.com/legal-representative-vs-actual-controller-who-really-runs-a-chinese-company/ (last accessed Nov. 5, 2025).
2018	<i>Yangtze Memory Tech. Co. Ltd. v. Micron Tech. Inc.</i> , IPR2025-00098, IPR2025-00099, Paper 33 (Nov. 10, 2025).

“[T]he Office cannot address the misuse of AIA proceedings by foreign adversaries unless it requires parties to identify RPIs.” Ex. 2010 at 4. BOE has failed to disclose all real parties in interest, including the People’s Republic of China.

BOE is a known, state-backed foreign actor. BOE is on the Department of Commerce’s “entity list”—exactly the type of entity Director Squires warned has already “been deemed a national security threat” and is involved in filing a “substantial and increasing number of IPRs,” in the October 28, 2025 Memo. Ex. 2010 at 2–3; Ex. 2011; Ex. 2018 at 2 (“Petitioner is listed on the Bureau of Industry and Security’s Entity List, which ‘identifies persons . . . reasonably believed to be involved, or to pose a significant risk of being or becoming involved, in activities contrary to the national security or foreign policy interests of the United States.’”).

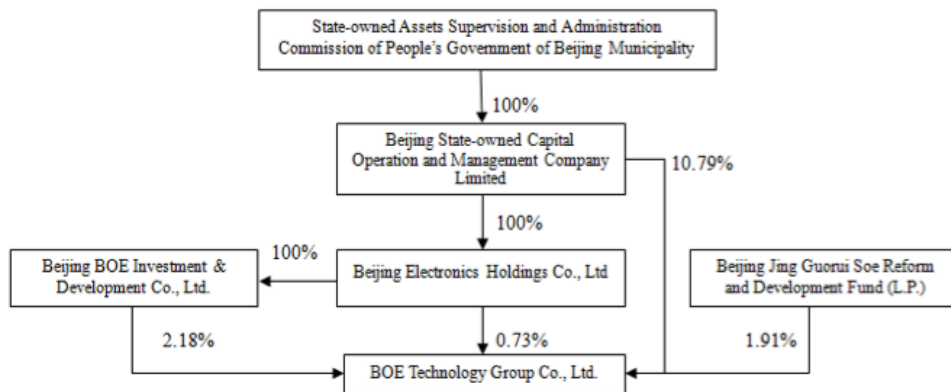
The U.S. House of Representative’s *Select Committee on the Chinese Communist Party* issued a December 18, 2024 letter to the International Trade Commission (ITC), urging the ITC not to underestimate the threat BOE poses as a foreign state-backed actor. *See* Ex. 2012. The letter highlights some of the Committee’s findings, stating that “the [People’s Republic of China (“PRC”)] has groomed BOE as its national champion in the display industry” through “a variety of PRC-backed anticompetitive practices, including aggressive state-sponsored subsidization, as well as intellectual property (IP) theft.” *Id.* at 1. The House Committee’s letter concluded:

BOE’s IP theft will continue to benefit the PRC’s military-civil fusion strategy, and BOE’s growing dominance in the display industry will leave the United States overly reliant on the PRC for an advanced technology critical to military applications. Additionally, the Commission will be sending a dangerous message to the PRC that its companies can continue to steal American IP at will.

Id. at 2.

BOE’s own annual report confirms that the Chinese State is the “Actual Controller” of the Petitioner:

(3) Ownership and Control Relations between the Actual Controller and the Company



Ex. 2013 at 7; *see also* Ex. 2014 at 111–12 (“Nature of the actual controller: Local institution for state-owned assets management”); *see, e.g.*, Ex. 2015 at 6 (an “actual controller” is “a non-shareholder who can nevertheless control a company through voting rights, investment relations, or by agreements”); Ex 2016 at 2 (“The actual controller refers to the natural person, legal person, or other organization that controls the company's behavior through investment relations, agreements, or other

arrangements.”); Ex. 2017 (“The Actual Controller . . . is defined under Article 265 of the Company Law. This is the entity or individual who, while not necessarily holding a formal position or being publicly registered, exercises de facto dominant control.”).

Not only is Petitioner’s actual controller a foreign adversary, but Petitioner’s failure to include the PRC as a real party in interest prevents estoppel from attaching under 35 U.S.C. § 315(e). Petitioner’s Sotera stipulation does not remedy such prejudice, and other state-controlled companies would still be permitted to seek invalidation of the ’025 Patent. The Board should decline to institute the instant IPR because the Petition failed to disclose the PRC as a real-party in interest and because BOE is a state-backed actor with a known interest in weakening the American intellectual property system.

Institution of the Petition would benefit foreign entities and a foreign government with interests opposed to the United States and Petitioner’s foreign control is thus a compelling factor the Board is entitled to weigh in evaluating whether to institute. Patent Owner respectfully requests that the Director exercise discretion under Section 314(a) to deny institution.

Date: November 25, 2025

Respectfully submitted,

/Jefferson Cummings/
Jefferson Cummings (Reg. No. 81,926)

Case IPR2025-01267
U.S. Patent No. 11,126,025

RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
Attorney for Patent Owner

CERTIFICATE OF PAGE LIMIT

I certify that there are less than 3 pages, as authorized by the Director's
November 18, 2025 email to the parties.

/Jefferson Cummings/
Jefferson Cummings (Reg. No. 81,926)

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that the above document was served on November 25, 2025, by filing this document through the P-TACTS system as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

Richard F. Martinelli
RFMPTABDocket@orrick.com
Tyler S. Miller
PTABDocketT5X@orrick.com

Date: November 25, 2025

Respectfully submitted,

/Jefferson Cummings/
Jefferson Cummings (Reg. No. 81,926)
RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
Attorney for Patent Owner