

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

**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

Other Authorities

Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012)	3
---	---

LISTING OF PETITIONER’S EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 11,126,025 (the “’025 patent”)
1002	Prosecution History of U.S. Patent No. 11,126,025
1003	Declaration of Richard A. Flasck, M.S. (“Flasck Decl.”)
1004	<i>Curriculum Vitae</i> of Richard A. Flasck, M.S. (“Flasck C.V.”)
1005	U.S. Patent Application Publication No. 2016/0224155 A1 (“Kim”)
1006	U.S. Patent Application Publication No. 2017/0192568 A1 (“Kim II”)
1007	U.S. Patent Application Publication No. 2018/0113541 A1 (“Xie”)
1008	U.S. Patent Application Publication No. 2019/0294273 A1 (“Yoshida”)
1009	Japanese Patent Application No. 2018-058356 and Certified Translation (“Translation”)
1010	U.S. Patent No. 3,824,003
1011	Willem den Boer, <i>Active Matrix Liquid Crystal Displays: Fundamentals and Applications</i> (Elsevier 2005)
1012	U.S. Patent No. 4,582,395
1013	Excerpt from <i>Wiley Electrical and Electronics Engineering Dictionary</i> (2004)
1014	Redline comparing Claims 10 and 18 of U.S. Patent No. 11,126,025
1015	U.S. Patent Application Publication No. 2016/0054627 A1

Exhibit	Description
1016	Declaration of Will Melehani In Support of Petitioner's Motion for Admission <i>Pro Hac Vice</i>
1017	Assignment of '025 patent to Paneltouch
1018	District Court Complaint
1019	Waiver of Service
1020	<i>Intentionally Omitted</i>
1021	Email between BOE and Paneltouch regarding Waiver of Service, dated July 23, 2025
1022	Docket Control Order, <i>Netlist Inc. v. Samsung Elecs. Co., Ltd.</i> , No. 2:25-CV-00557-JRG, Dkt. No. 29 (E.D. Tex. July 25, 2025)
1023	Docket Control Order, <i>Resonant Sys., Inc. v. Nintendo Co., Ltd.</i> , No. 2:25-cv-00090-JRG, Dkt. No. 32 (E.D. Tex. May 30, 2025)
1024	Docket Sheet, <i>CLO Virtual Fashion Inc. v. Zhejiang Lingdi Digital Tech. Co., Ltd.</i> , No. 2:23-cv-00274-JRG-RSP (Printed October 24, 2025)
1025	Docket Control Order, <i>CLO Virtual Fashion Inc. v. Zhejiang Lingdi Digital Tech. Co., Ltd.</i> , No. 2:23-cv-00274-JRG-RSP, Dkt. 32 (E.D. Tex. Dec. 19, 2023)
1026	Docket Sheet, <i>Multimedia Techs. Pte. Ltd. v. LG Elecs. Inc.</i> , No. 2:22-cv-00494-JRG (Printed October 24, 2025)
1027	Docket Control Order, <i>Multimedia Techs. Pte. Ltd. v. LG Elecs. Inc.</i> , No. 2:22-cv-00494-JRG, No. 2:23-cv-00274-JRG-RSP, Dkt. 20 (E.D. Tex. Feb. 7, 2024)

Exhibit	Description
1028	Docket Sheet, <i>Headwater Research LLC v. Samsung Electronics Co. Ltd.</i> , No. 2:23-cv-00103-JRG-RSP (Printed October 24, 2025)
1029	Docket Control Order, <i>Headwater Research LLC v. Samsung Electronics Co. Ltd.</i> , No. 2:23-cv-00103-JRG-RSP, Dkt. 63 (E.D. Tex. Dec. 1, 2023)
1030	Docket Sheet, <i>General Access Solutions, Ltd. v. T-Mobile USA, Inc.</i> , No. 2:23-cv-00158-JRG (Printed October 23, 2025)
1031	Docket Control Order, <i>General Access Solutions, Ltd. v. T-Mobile USA, Inc.</i> , No. 2:23-cv-00158-JRG, Dkt. 34 (E.D. Tex. Aug. 11, 2023)
1032	Docket Sheet, <i>Video Solutions Pte. Ltd. v. Cisco Systems, Inc.</i> , No. 2:23-cv-00222-RWS-RSP (Printed October 24, 2025)
1033	Docket Control Order, <i>Video Solutions Pte. Ltd. v. Cisco Systems, Inc.</i> , No. 2:23-cv-00222-RWS-RSP, Dkt. 36 (E.D. Tex. Aug. 18, 2023)
1034	Docket Sheet, <i>Daingean Technologies Ltd. v. T-Mobile USA, Inc.</i> , No. 2:23-cv-00347-JRG-RSP (Printed October 24, 2025)
1035	Docket Control Order, <i>Daingean Technologies Ltd. v. T-Mobile USA, Inc.</i> , No. 2:23-cv-00347-JRG-RSP, Dkt. 55 (E.D. Tex. Jan. 26, 2024)
1036	Docket Sheet, <i>Ravikumar MD v. Memorial Health System of East Texas</i> , No. 2:23-cv-00560-JRG-RSP (Printed October 24, 2025)
1037	Docket Control Order, <i>Ravikumar MD v. Memorial Health System of East Texas</i> , No. 2:23-cv-00560-JRG-RSP, Dkt. 29 (E.D. Tex. Jan. 24, 2024)

Exhibit	Description
1038	Docket Sheet, <i>Collision Communications, Inc. v. Samsung Electronics Co. Ltd.</i> , No. 2:23-cv-00587-JRG (Printed October 24, 2025)
1039	Docket Control Order, <i>Collision Communications, Inc. v. Samsung Electronics Co. Ltd.</i> , No. 2:23-cv-00587-JRG, Dkt. 36 (E.D. Tex. Apr. 17, 2024)
1040	Decision Referring the Petitions to the Board, <i>Geotab Inc. v. Fractus, S.A.</i> , IPR2025-01026, Paper 14 (P.T.A.B. Oct. 17, 2025)
1041	Decision Referring the Petitions to the Board, <i>Apple Inc. v. Apex Beam Technologies LLC</i> , IPR2025-00896, Paper 10 (P.T.A.B. Sept. 3, 2025)
1042	January 2024 IDS in the prosecution history of U.S. Patent No. 12,436,639
1043	Declaration of Yongqi Zhang
1044	BOE Website – Values and Ideas (https://www.boe.com/en/about/valuesAndIdeas)
1045	BOE Website – About Us (https://www.boe.com/en/about/index)
1046	Beijing Opto Website (http://en.oet.com.cn/)
1047	Intel Press Release (https://www.intc.com/news-events/press-releases/detail/1748/intel-and-trump-administration-reach-historic-agreement-to)
1048	Micron Press Release (https://www.micron.com/about/press/media-relations/press-kits/micron-celebrates-chips-act-grant-announcement)
1049	TRIPS Agreement – Article 3

IPR2025-01267

U.S. Patent No. 11,126,025

Exhibit	Description
1050	Paris Convention for the Protection of Industrial Property
1051	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 1. 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.

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. 1043 (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. 2011 at 2. Beijing Opto is *not* Petitioner BOE, nor is it related to BOE. Ex. 1043 (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. 2014 at 10. In fact, BOE is a world leader in the semiconductor display and smart system industries. Ex. 1044. 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. 1043 (Zhang Decl.) ¶ 6; Ex. 1045.

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. 1047, 1048. 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. 1049 (TRIPS Article 3); Ex. 1050 (Paris Convention Article 2(1)). While the parties' nationality should not matter, Paneltouch's patent comes from a Japanese company. *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. 1051) 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. 2014 at 111-112; *see also* Ex. 1043 (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. 2014 at 46; *see also* Ex. 1043 (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.

IPR2025-01267

U.S. Patent No. 11,126,025

Date: December 2, 2025

Respectfully submitted,

By: /Richard F. Martinelli/

Richard F. Martinelli (Reg. No. 52,003)

Orrick, Herrington & Sutcliffe LLP

51 West 52nd Street

New York, NY 10019-6142

Telephone: (212) 506-3702

RFMPTABDocket@orrick.com

Counsel for Petitioner

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

By: /Richard F. Martinelli/

Richard F. Martinelli (Reg. No. 52,003)
Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, NY 10019-6142
Telephone: (212) 506-3702
RFMPTABDocket@orrick.com

Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing paper and associated Exhibits 1043-1051 were served on December 2, 2025 via electronic mail upon the following counsel of record for Patent Owner:

Jefferson Cummings, [jcummings@raklaw.com](mailto:jcumming@raklaw.com)

Benjamin T. Wang, bwang@raklaw.com

Andrew D. Weiss, aweiss@raklaw.com

rak_paneltouch@raklaw.com

RUSS AUGUST & KABAT

/ Richard F. Martinelli /
