

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOE TECHNOLOGY GROUP CO., LTD.

Petitioner

v.

138 EAST LCD ADVANCEMENTS LIMITED,

Patent Owner.

Case No. IPR2025-01413

Patent No. 8,319,512

**PETITIONER'S OPPOSITION TO
PATENT OWNER'S REQUEST
FOR DISCRETIONARY DENIAL**

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. ARGUMENT	2
A. Settled Expectations Weigh Against Discretionary Denial	2
1. Seiko’s Exit from the LCD Market Undermines Any Claim of Settled Expectations	2
2. Seiko Never Asserted the ’512 Patent Despite Widespread Industry Adoption of LCD Technology.....	4
3. Seiko Sold LCD Patents to BOE and Licensed the Remaining Patents Royalty Free.....	6
4. The Patent Transfer to 138 East and Abrupt Change in Enforcement Strategy Preclude Settled Expectations.....	8
5. 138 East’s Cited Discretionary Denials Are Inapposite	11
B. The Fintiv Factors Also Weigh Against Discretionary Denial	13
C. Expert Testimony Supports, Not Undermines, Institution.....	16
D. Voluntary Search Disclosure Also Supports Institution	17
III. CONCLUSION.....	17

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Advanced Micro Devices, Inc. v. Concurrent Ventures</i> , IPR2025-00223	13
<i>Apple Inc. v. Fintiv Inc.</i> , IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020)	14, 15
<i>Home Depot U.S.A., Inc. v. H22 Intellect LLC</i> , IPR2025-00480, Paper 11 (Sept. 4, 2025)	6, 12
<i>Ink Cartridges and Components Thereof</i> , ITC-337-TA-946	4
<i>Nkt Photonics Inc. v. Omni Continuum LLC</i> , IPR2025-00839	12
<i>Omnivision v. RE Secured Networks</i> (IPR2025-01019)	13
<i>Sotera Wireless, Inc. v. Masimo Corp.</i> , IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020)	14
Statutes	
35 U.S.C. § 286	5
35 U.S.C. § 315(b)	10
Other Authorities	
37 C.F.R. § 42.4(a)	2
77 Fed. Reg. 48,612 at 48,616	2
IPR2025-000880, Paper 11 (Director Oct. 10, 2025)	12

PETITIONER’S EXHIBIT LIST

Exhibit No.	Document
Ex. 1001	U.S. Patent No. 8,319,512 (“’512 patent”)
Ex. 1002	Declaration and Curriculum Vitae of Dr. Manos M. Tentzeris
Ex. 1003	File History of the ’512 patent
Ex. 1004	U.S. Patent No. 6,300,997 (“Saito”)
Ex. 1005	U.S. Patent Application Publication No. 2002/0139567 (“Kim”)
Ex. 1006	U.S. Patent Application Publication No. 2004/0183985 (“Taguchi”)
Ex. 1007	U.S. Patent Application Publication No. 2004/0183563 (“Her”)
Ex. 1008	U.S. Patent No. 5,592,199 (“Kawaguchi”)
Ex. 1009	U.S. Patent Application Publication No. 2003/0095227 (“Kohtaka”)
Ex. 1010	U.S. Patent Application Publication No. 2003/0155908 (“Ohazama”)
Ex. 1011	Japanese Application Publication No. JP2000131393 (“Sugano”)
Ex. 1012	U.S. Patent No. 5,644,331 (“Hazama”)
Ex. 1013	U.S. Patent Application Publication No. 2007/0226569 (“Her-569”)
Ex. 1014	Taiwan Patent Application Publication No. 200828476 (“Chen”)
Ex. 1015	Search Disclosure Declaration of Amy Simpson
Ex. 1016 (New)	Declaration of Yuanyuan Liu
Ex. 1017 (New)	Website Seiko Epson: quitting small LCD ops is one option Reuters
Ex. 1018 (New)	Website: <u>Sony to acquire Seiko Epson's LCD ops for free Reuters</u>
Ex. 1019 (New)	Website: <u>Sony gets Seiko Epson's small and medium sized TFT LCD ops Electronics Weekly</u>

Exhibit No.	Document
Ex. 1020 (New)	<i>Ink Cartridges and Components Thereof</i> , ITC-337-TA-946, Complaint
Ex. 1021 (New)	IPValue website http://ipvalue.com/news/ipvalue-management-affiliate-acquires-additional-portfolio-from-seiko-epson
Ex. 1022 (New)	Docket Control Order, Longitude Licensing Limited et al v. BOE Technology Group Co., Ltd. et al EDTX-2-25-cv-00440 Dkt. No. 56

I. INTRODUCTION

Petitioner BOE Technology Group Co., Ltd. (“BOE” or “Petitioner”) opposes Patent Owner’s (“138 East”) request for discretionary denial.

This case epitomizes the scenario where discretionary denial is not warranted. The ’512 patent was abandoned by its original owner Seiko Epson (“Seiko”), licensed royalty-free to BOE, and only resurrected years later by a non-practicing entity seeking a litigation windfall. Seiko exited the LCD market before the patent even issued and never asserted it despite a decade of widespread industry adoption of LCD displays. And shortly before BOE’s royalty-free license expired, Seiko sold the patent to 138 East, an affiliate of patent-assertion entity IPValue, for low value as part of a tranche of over 2,500 patents that Seiko was not using. Only after this sale did 138 East repurpose the ’512 patent as a litigation weapon.

The doctrine of “settled expectations” presupposes consistent reliance by market participants. Here, the only consistency is Seiko’s decade-long disinterest in the ’512 patent. BOE, by contrast, relied reasonably on its royalty-free license and Seiko’s silence, and on its proof provided to 138 East that BOE’s products do not use the claimed technology. The equities, the *Fintiv* factors, and the statutory framework all point in one direction: institution.

II. ARGUMENT

In seeking discretionary denial, Patent Owner 138 East invokes the Director’s “holistic view” framework but fails to address numerous facts that weigh heavily against denial. Rather than presenting the full context, 138 East selectively omits critical aspects of the patent’s history and BOE’s conduct. As detailed below, BOE presents a complete and accurate record that demonstrates why discretionary denial is unwarranted in this case.¹

A. Settled Expectations Weigh Against Discretionary Denial

1. Seiko’s Exit from the LCD Market Undermines Any Claim of Settled Expectations

138 East refers to the ’512 patent and two additional patents asserted in the litigation as the “Longitude Patents.” (Paper 6 at 1.) These patents were originally owned by Seiko Epson Corporation (“Seiko”) and claim priority to applications filed in Japan. (*See* Ex. 1001.) The ’512 patent issued on November 27, 2012. (*Id.*)

138 East asserts that the ’512 patent relates to “inventions that improve

¹ BOE respectfully contends that the Director lacks authority to grant PO’s request because institution authority is properly delegated to the Board and that Rule has not been rescinded. *See* 37 C.F.R. § 42.4(a) (“The Board institutes the trial on behalf of the Director.”); Rules of Practice, 77 Fed. Reg. 48,612 at 48,616 (“Section 42.4(a) specifically delegates the determination to institute a trial to the Board.”).

consumer-facing benefits of LCD panels and/or modules, and/or monitors and TVs that incorporate these LCD panels and/or modules.” (Paper 6 at 2.) More specifically, the ’512 patent is directed more narrowly to a flexible substrate for a LCD panel that incorporates an integrated driving circuit and a dedicated inspection electrode electrically connected to that circuit, allowing internal signals to be monitored for testing purposes. (See Ex. 1001 at Abstract, 1:10–15, 1:46-56.)

However, by March 2009—years before the ’512 patent issued—Seiko had begun the process of withdrawing from the small LCD display business. (Ex. 1017.) Seiko acknowledged that it was losing approximately one billion U.S. dollars annually in competition with Sharp in this market. (*Id.*) In response, Seiko transferred substantial portions of its TFT LCD business to Sony *at no cost*. (Ex. 1018 (“Sony to acquire Seiko Epson’s LCD ops for free”); Ex. 1019 (“Sony gets Seiko Epson’s small and medium-sized TFT LCD ops... No payment is involved.”))

The assets transferred included output facilities for amorphous silicon TFT LCDs and intellectual property rights for low-temperature polysilicon TFT LCDs—technologies in the same space as the alleged invention of the ’512 patent. (Ex. 1018.) Seiko’s decision to divest these assets without compensation underscores its lack of commercial interest in continuing its LCD business or enforcing related patents.

This context is critical. Seiko's exit from the market before the '512 patent issued, combined with its failure to assert or license the patent for value, demonstrates that it did not view the patent as commercially significant. These facts undermine 138 East's claim that the industry developed settled expectations regarding the patent's validity or relevance. On the contrary, the record reflects that the '512 patent effectively was shelved by its original owner, and only later weaponized by a patent assertion entity. This history weighs strongly against discretionary denial.

2. Seiko Never Asserted the '512 Patent Despite Widespread Industry Adoption of LCD Technology

After transferring its TFT LCD business operations to Sony, Seiko retained certain patents, including the '512 patent. Despite billions of LCD panels being shipped between 2012—when the '512 patent issued—and 2019 when Seiko sold the patent to 138 East, Seiko never once asserted the patent. This prolonged silence underscores the lack of any settled expectations regarding the patent's enforceability or relevance. Instead, Seiko focused on enforcing its ink jet printer and cartridge patents—all irrelevant to BOE—again demonstrating that Seiko had no settled expectations regarding the '512 patent. (*See, e.g.,* Ex. 1020, *Ink Cartridges and Components Thereof*, ITC-337-TA-946, Complaint at 48, ¶ 145 (patents directed to ink cartridges).)

Had Seiko genuinely believed that its '512 LCD-display patent was widely infringed, it would have asserted the '512 patent—just as it did with its ink-cartridge patents. Its failure to do so further undermines any claim of settled expectations regarding the '512 patent's enforcement. Under 35 U.S.C. § 286, a patent owner may recover damages only for infringement occurring within six years prior to the filing of a complaint. Seiko's conduct during its ownership of the '512 patent demonstrates that it did not believe any LCD panels in the marketplace utilized the claimed technology. Had Seiko genuinely believed that infringement was occurring, it would have acted to enforce its rights rather than allowing years to pass without taking any action, thereby forfeiting damages for any earlier alleged infringement. This inaction is inconsistent with the behavior of a patent holder that perceives its patent as being practiced and infringed, and further undermines 138 East's current assertions.

138 East offers no evidence that Seiko ever commercialized the '512 patent or held any investment-backed expectations regarding its value. To the contrary, Seiko remained silent and derived no discernible benefit from the patent for over a decade before ultimately selling it for a low value to 138 East, a non-practicing entity. Moreover, 138 East does not claim to commercialize the technology; instead, it merely engages in litigation over old patents that Seiko itself did not believe were significant. There is no indication that Seiko or 138 East—both of which would have been aware that Seiko transferred its LCD business to Sony for free prior to the

issuance of the '512 patent—held any legitimate settled expectations regarding the patent's validity, scope, or significance. The breadth and importance now asserted by 138 East are inconsistent with Seiko's historical conduct.

Under these circumstances, 138 East's assertion that the public or industry developed "settled expectations" regarding the '512 patent is unfounded. The record demonstrates that the patent was not commercialized, asserted, marked, licensed, or otherwise utilized for a substantial period of time during the explosion in LCD display commercialization. As the Interim Director held in *Home Depot U.S.A., Inc. v. H22 Intellect LLC*, IPR2025-00480, Paper 11 at 2–3 (Sept. 4, 2025), dormant patents do not generate settled expectations. The '512 patent is even weaker: it was not merely dormant, but affirmatively licensed royalty-free and ignored by its owner.

3. Seiko Sold LCD Patents to BOE and Licensed the Remaining Patents Royalty Free

Under these circumstances, 138 East is wrong to claim that the public or the industry developed any settled expectations regarding the '512 patent. Although Seiko had transferred its TFT LCD operations to Sony, it retained certain patents. Later, Seiko sold off substantial parts of its remaining portfolio. (Liu Declaration, Ex. 1016, at ¶ 2.) BOE purchased a substantial number of patents from Seiko in 2014 that it believed to be relevant and of value, but this did not include the '512 patent—a patent of which, at the time, BOE was not even aware. (*Id.*)

During the negotiation, Seiko proposed a royalty-free cross-licensing arrangement that would provide BOE with a royalty-free license to an additional group of unspecified patents in exchange for BOE providing Seiko a royalty-free license to certain of BOE's patents. (Ex. 1016 at ¶¶ 3-4.) BOE found this acceptable because there was no cost to BOE. (*See id.*) And BOE believed that it was not foregoing substantial royalties in cross-licensing its patents to Seiko, as Seiko was leaving the LCD display business. (*See id.*) BOE did not learn until much later (2021) that the cross-license included the '512 patent specifically. (*Id.* at ¶ 6.) This further underscores the lack of settled expectations surrounding the '512 patent.

At the time of the BOE–Seiko cross-licensing agreement, Seiko was fully aware that BOE was manufacturing and selling a substantial volume of LCD display products, while Seiko was exiting the LCD market. Given this imbalance, if Seiko had believed the '512 patent held significant commercial value or was being infringed, it would have sought royalties from BOE. Instead, Seiko granted BOE a royalty-free cross-license, further confirming that it did not view the '512 patent and the other cross-licensed patents as valuable and did not have any settled expectations regarding the validity of the '512 patent. (Ex. 1016 at ¶¶ 3-4.)

Under the terms of the agreement, BOE's license expired on November 18, 2019. During the license period (2014–2019), BOE had no reason to seek *inter partes* review of the '512 patent, as it was not exposed to any infringement risk and

was not paying any royalties. The cross-license did not identify any specific patent numbers, and BOE was unaware that the '512 patent was included in the cross-license at the time. (*Id.* at ¶ 6.) This absence of specificity further undermines 138 East's assertion of settled expectations and weighs heavily against discretionary denial.

4. The Patent Transfer to 138 East and Abrupt Change in Enforcement Strategy Preclude Settled Expectations

Before the expiration of the BOE–Seiko cross-license, Seiko breached the agreement by disclosing certain licensing information to IPValue, an affiliate of 138 East and a known patent-assertion entity, without notice to BOE. This unauthorized action deprived BOE of the opportunity to negotiate an extension of the cross-license or take other steps to avoid becoming a target of IPValue's / 138 East's enforcement campaign. (*See* Ex. 2006 at ¶¶ 60–79.)

Sometime in 2018, Seiko sold the '512 patent to 138 East. (Ex. 1016 at ¶5; Ex. 1021 (138 East acquired “over 2,500 worldwide patents . . . from Epson”.) In stark contrast to Seiko's prior conduct, which included shelving the '512 patent for many years and later licensing it to BOE royalty-free, 138 East immediately adopted an aggressive litigation-focused strategy. Once the cross-license expired, 138 East notified BOE of the '512 patent during a technical presentation on April 8, 2021. In that presentation, 138 East alleged that BOE's LCD products infringed certain claims of the '512 patent. (Ex. 1016 at ¶¶ 6-7.) 138 East then engaged in additional

correspondence and infringement allegations, ultimately culminating in a demand for a substantial payment from BOE. (*Id.*) Over the course of several meetings and exchanges of information, BOE provided conclusive proof to 138 East that BOE's LCD displays do not infringe claims 10-12 of the '512 patent. (*Id.*)

For example, on August 10, 2021, BOE explained that the structures identified by 138 East lack any electrical connection between the inspection electrode and the integrated circuit. Consequently, they cannot meet the claim requirement that the inspection electrode be electrically connected to an integrated circuit. (Ex. 1016 ¶7.)

After BOE provided 138 East with conclusive evidence that its LCD products do not infringe the '512 patent, 138 East remained silent for years and did not initiate any litigation against BOE until November 2023. And that first lawsuit in 2023—Case No. 2:23-cv-00515 (E.D. Tex.)—asserted entirely different patents, not the '512 patent. Under these circumstances, BOE had no reason to seek *inter partes* review of the '512 patent because it was not being asserted and BOE reasonably relied on 138 East's prolonged inaction as confirmation that its non-infringement showing had been accepted. This history underscores BOE's good faith and further demonstrates why discretionary denial is unwarranted.

138 East did not assert the '512 patent against BOE in litigation until April 2025—over three years after BOE disclosed its non-infringement position and seven years after acquiring the patent. In its Complaint (Ex. 2002), 138 East nevertheless

advanced the same debunked infringement theory—that the inspection electrode in BOE’s products is electrically connected to the integrated circuit as required by the asserted claims, despite BOE’s prior technical showing to the contrary. This prolonged delay and disregard for BOE’s conclusive evidence underscore the absence of any settled expectations and highlight why discretionary denial would reward gamesmanship rather than serve the interests of justice.

Given this history, BOE had no obligation or practical reason to initiate an IPR proceeding before being sued. The statutory framework under 35 U.S.C. § 315(b) contemplates that accused infringers will first evaluate the merits of infringement allegations before seeking inter partes review. BOE did exactly that—providing its analysis to 138 East in 2021 and then acting promptly by filing its Petition on August 30, 2025, well within the statutory one-year period after unexpectedly being sued on the ’512 patent. Importantly, the Petition challenges all claims of the ’512 patent, not merely those referenced during 138 East’s pre-suit licensing discussions and asserted in the Complaint, underscoring BOE’s commitment to a comprehensive and timely resolution of validity by the PTAB. These facts strongly support denying 138 East’s request for discretionary denial and confirm that BOE acted in full compliance with the statutory framework and in reasonable reliance on the ’512 patent’s long-standing irrelevance to its products.

In the end, 138 East cannot credibly invoke “settled expectations” based on Seiko’s decade-long period of non-enforcement. The lack of continuity in market behavior, combined with Seiko’s divestiture of its LCD business, its royalty-free licensing of the ’512 patent, and its failure to assert the patent, demonstrates that no such expectations existed. And 138 East’s own inaction after being provided with definitive proof of non-infringement further demonstrates the lack of settled industry reliance on the patent’s validity or enforceability. Under these circumstances, discretionary denial is unwarranted.

5. 138 East’s Cited Discretionary Denials Are Inapposite

None of the discretionary denials cited by 138 East involve circumstances comparable to those presented here. Here, the original patent owner, Seiko, exited the relevant market before the ’512 patent even issued—transferring its LCD business to another company for no consideration. Seiko never asserted the ’512 patent during the years it held it, and ultimately sold many of its patents to BOE while licensing the remainder to BOE royalty-free, including the ’512 patent.

None of the cases cited by 138 East involved a patent assertion entity acquiring patents that had previously been licensed to the accused infringer for free, then initiating litigation years after being presented with clear non-infringement evidence. Thus, the only settled expectation regarding the ’512 patent was that the patent lacked commercial relevance and was undeserving of attention by the industry

(or the PTAB). It was only after 138 East abruptly shifted its enforcement strategy by suing BOE on the '512 patent in 2025—years after the transfer of the '512 patent to 138 East and after 138 East had received definitive proof of non-infringement from BOE—that this expectation arguably changed. And BOE appropriately and promptly filed for *inter partes* review after being sued. None of the cases cited by 138 East is analogous to the present scenario.

Indeed, the Office has rejected claims of “settled expectations” under far less disruptive circumstances. As mentioned above, in *Home Depot*, IPR2025-00480, Paper 11, the Interim Director found no settled expectations where a 12-year-old patent had “not been commercialized, asserted, marked, licensed, or otherwise applied in its technology space.” The facts here are even more compelling: the original patent owner exited the market, licensed the patent for free, and never enforced it. And even the non-practicing entity that acquired the patent delayed enforcing it for over two years after receiving evidence of non-infringement.

138 East’s reliance on *Hisense USA v. VideoLabs* is misplaced. In that case, the patent owner had provided evidence that the challenged patents had been licensed to over twenty companies. There was no indication that the original patent owner had exited the market, nor that the petitioner had previously held a royalty-free license or had provided pre-suit non-infringement evidence. (See IPR2025-000880, Paper 11 at 2–3 (Director Oct. 10, 2025).) Likewise, the denial in *Nkt*

Photonics Inc. v. Omni Continuum LLC, IPR2025-00839 is inapplicable for similar reasons. The facts in 138 East’s cited discretionary denials reflect routine *inter partes* reviews of older patents, not the unique history of demonstrated irrelevance and deliberate non-enforcement present here.

Accordingly, the precedents cited by 138 East do not support discretionary denial in this case. The Director should decline to extend discretionary denial where the factual record so clearly undermines any claim of settled expectations.

B. The *Fintiv* Factors Also Weigh Against Discretionary Denial

First, if the Board institutes review by February 28, 2026, its final written decision would be due on or about February 28, 2027—before the March 15, 2027 trial date currently set in the litigation. (Ex. 1022 at 1.) This timing supports institution and weighs against denial.

Furthermore, *Omnivision v. RE Secured Networks* (IPR2025-01019) does not apply here. In that case, the Board’s final written decision (December 20, 2026) was projected to issue *after* the scheduled trial date of October 26, 2026. (Paper 14 at 2.) Similarly, in *Advanced Micro Devices, Inc. v. Concurrent Ventures*, IPR2025-00223, the projected final written decision (July 15, 2026) could have issued *after* trial, which was expected to begin “as early as April 2026.” (Paper 9 at 2.)

Second, the court and parties have not invested *any* work in the underlying litigations on the merits. 138 East’s speculation regarding the amount of work that

may be completed in the district court litigation before the Board issues a final written decision is irrelevant. As the PTAB has made clear in a precedential decision, the relevant consideration under *Apple Inc. v. Fintiv Inc.*, IPR2020-00019, Paper 11 at 9–10 (PTAB Mar. 20, 2020), is “the amount and type of work already completed in the parallel litigation by the court and the parties at the time of the institution decision,” not at the time of the final IPR decision.

Here, the litigation is in its infancy. Invalidity contentions are not due until January 2026, well after BOE filed its Petition. This timing confirms that minimal substantive work has been completed in the district court, and it is virtually certain that no orders relating to the ’512 patent will issue before the Board’s institution decision.

Accordingly, the early procedural posture of the litigation weighs strongly against discretionary denial and supports institution of *inter partes* review.

Third, BOE has unequivocally stipulated that it will not assert any anticipation or obviousness defenses in the underlying district court litigation if *inter partes* review is instituted. (See Paper 9.) This exceeds the standard articulated in *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020), ensuring that there will be no overlap between the issues in the IPR and those before the district court. As the PTAB recognized in *Fintiv*, such a stipulation

“mitigates concerns of duplicative efforts and conflicting decisions,” and “weighs strongly in favor of institution.” (IPR2020-00019, Paper 11 at 12–13.)

BOE’s proactive and comprehensive stipulation reflects its commitment to streamlining the resolution of validity issues in a single forum. This factor weighs decisively against discretionary denial and supports institution of the petition.

Fourth, The compelling merits of BOE’s Petition weigh strongly against discretionary denial. As the PTAB recognized in *Fintiv*, institution is favored when “the merits of a ground raised in the petition seem particularly strong on the preliminary record.” (*Fintiv*, IPR2020-00019, Paper 11 at 14.)

Here, the Petition presents a well-supported obviousness challenge to all claims of the ’512 patent. The purported point of novelty in the asserted claims—namely, providing, on a flexible substrate, an inspection electrode electrically connected to the on-board integrated circuit to output internal signals, with switching circuitry to control those signals—is not novel. These configurations are expressly disclosed in the prior art related to LCD displays and flexible substrates, rendering the claimed invention obvious under established principles of patent law. (*See* Petition, Paper 2 at Section VIII.)

Given the strength of the prior art and the clarity of the asserted grounds, the Petition satisfies the threshold for institution and presents a compelling case for review. This factor weighs decisively against discretionary denial.

Finally, while BOE has not moved to stay the underlying litigations, it is premature to do so before IPR is instituted. 138 East cites caselaw suggesting that the Eastern District of Texas is less likely to grant stays when the PTAB institutes review on fewer than all asserted claims. (Paper 6 at 7.) That concern is not present here. BOE has challenged every claim of every patent asserted in the litigation including the '512 patent, thereby eliminating the risk of piecemeal review and ensuring that the IPR proceedings will directly address all asserted claims.

In summary, all the *Fintiv* factors point in the same direction: institution.

C. Expert Testimony Supports, Not Undermines, Institution

138 East criticizes BOE's reliance on expert testimony to support the six asserted obviousness combinations, including the motivation to combine, by citing a 123-page, 262-paragraph expert testimony. (Paper 6 at 9, citing Petition at 20–22, 52–53, 60–64, 82–83; Ex. 1002 ¶¶ 64–68, 145–48, 167–75, 220–23.) Yet the cited portions of the record provide a clear and concise articulation of the motivation to combine, referencing the prior art and explaining why a person of ordinary skill in the art ("POSITA") would have combined those teachings.

138 East also claims that BOE's expert testimony "raises credibility issues," which it intends to address in its forthcoming Patent Owner Preliminary Response. (Paper 6 at 10.) However, 138 East has not developed this argument in its request for discretionary denial, thereby waiving it for purposes of that request given that

BOE has no opportunity to respond to such undisclosed “issues.” In any event, the technical complexity of the issues presented makes the PTAB the appropriate forum for resolving questions of patentability—not a lay jury or district court judge.

Moreover, as mentioned previously, BOE has stipulated that it will not assert anticipation or obviousness defenses in the district court litigation if the IPR is instituted. (*See* Paper 9.) As a result, the district court will not be required to assess the credibility of BOE’s expert with respect to the subject matter of his IPR declaration. This further supports institution and weighs against discretionary denial.

D. Voluntary Search Disclosure Also Supports Institution

On November 17, 2025, the Director issued a memorandum allowing a petitioner to submit a Search Disclosure Dedication (SDD) explaining how prior art was identified. Voluntary submission of an SDD will be considered as a “**favorable discretionary factor** supporting institution.” (Memorandum) (original emphasis). BOE submitted its detailed SDD, thus this factor further supports institution (Ex. 1015.)

III. CONCLUSION

The record is clear. Seiko abandoned the LCD business, licensed the ’512 patent royalty-free, and never enforced it during the decade it owned the patent. BOE showed 138 East years ago that the ’512 patent is irrelevant to BOE’s products, and acted promptly to file an IPR petition after 138 East belatedly challenged that showing by filing suit. 138 East’s attempt to weaponize a dormant patent contrary

to the settled expectations of the industry is precisely the type of gamesmanship *inter partes* review was designed to check.

The equities weigh against discretionary denial, the *Fintiv* factors favor institution, and BOE has provided compelling invalidity grounds. The Board should institute review and allow this case to be decided on the merits. Anything less would undermine the integrity of the IPR process and reward litigation tactics divorced from settled expectations.

Dated: December 10, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of this **PETITIONER’S
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CERTIFICATE OF WORD COUNT UNDER 37 C.F.R § 42.24

Pursuant to 37 C.F.R. §42.24 et seq., the undersigned certifies that the word count for this *Petitioner's Opposition to Patent Owner's Request for Discretionary Denial* complies with the type-volume limitations excluding the cover page and the parts exempted by 37 C.F.R. § 42.24(a)(1). This document contains 4,043 words as calculated by the "Word Count" feature of Microsoft® Word, the word processing program used to create it.

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