

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE  
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

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BOE TECHNOLOGY GROUP CO., LTD.,  
Petitioner,

v.

OPTRONIC SCIENCES LLC,  
Patent Owner.

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IPR2025-00238 (Patent 8,604,471 B2)  
IPR2025-00239 (Patent 8,502,757 B2)

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Before COKE MORGAN STEWART, *Acting Under Secretary of  
Commerce for Intellectual Property and Acting Director of the United States  
Patent and Trademark Office.*

DECISION  
Denying Institution of *Inter Partes* Review

Optronic Sciences LLC (“Patent Owner”) filed a request for discretionary denial (Paper 7, “DD Req.”) in the above-captioned cases, and BOE Technology Group Co., Ltd. (“Petitioner”) filed an opposition (Paper 9, “DD Opp.”).<sup>1</sup> With authorization, Patent Owner filed a Supplemental Brief (Paper 8).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.

Some considerations weigh against discretionary denial. For example, Petitioner argues it has settled expectations that the challenged patents would not be asserted against it because the challenged patents are directed to technology that is fundamentally different from what Petitioner uses in its products. DD Opp. 9–13. Therefore, Petitioner contends it had no reason to challenge the claims of the patents in these proceedings until Patent Owner asserted the challenged patents in district court. *Id.* at 12.

Other considerations, however, favor discretionary denial. In particular, the projected final written decision due date for each of these cases is in October 2026. DD Req. 5. The district court’s scheduled trial date is May 4, 2026, and the time-to-trial statistics suggest that the trial would begin in July 2026. *Id.* As such, it is unlikely that a final written decision in these proceedings will issue before the district court trial occurs, resulting in significant duplication of effort, additional expenses for the parties, and a risk of inconsistent decisions. Further, the challenged patents

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<sup>1</sup> Citations are to papers in IPR2025-00238. The parties filed similar papers in IPR2025-00239.

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have been in force for approximately twelve years, creating strong settled expectations for Patent Owner. These considerations favor discretionary denial, and outweigh the considerations that counsel against it.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petitions are denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

ORDERED that Patent Owner's request for discretionary denial is *granted*; and

FURTHER ORDERED that the Petitions are *denied*, and no trial is instituted.

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