

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAVANT TECHNOLOGIES LLC d/b/a GE LIGHTING and
LEDVANCE LLC,

Petitioner,

v.

FEIT ELECTRIC COMPANY, INC.,

Patent Owner.

IPR2024-01357 (Patent 8,604,678 B2)

SAVANT TECHNOLOGIES LLC d/b/a GE LIGHTING,
ELONG INTERNATIONAL USA INC., and
XIAMEN LONGSTAR LIGHTING CO. LTD,

Petitioner,

v.

FEIT ELECTRIC COMPANY, INC.,

Patent Owner.

IPR2024-01357 (Patent 8,604,678 B2)

IPR2025-00260 (Patent 8,604,678 B2)

Before KEVIN W. CHERRY, SCOTT B. HOWARD, and
ANDREW L. NALVEN, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*

ORDER

Denying Patent Owner's Motion to Terminate
35 U.S.C. § 312(a)(2) and 37 C.F.R. §§ 42.8(b)(1), 42.72

I. INTRODUCTION

On February 6, 2026, Feit Electric Company, Inc. (“Patent Owner”) filed a Motion to Terminate IPR2024-01357 on the basis that Petitioner LEDVANCE LLC (“LEDVANCE” or “LEDVANCE LLC”) failed to identify MLS Co. Ltd. (“MLS”), LEDVANCE LLC’s ultimate corporate parent, as a real party in interest (“RPI”) under 35 U.S.C. § 314(a) in its Petition. Paper 57 (“Mot.”).¹ Patent Owner contended that this failure meant the Petition should lose its filing date, and it was therefore barred under 35 U.S.C. § 315(b). Mot. 10. Petitioner filed an Opposition, Paper 57 (“Opp.”), Patent Owner filed a Reply, Paper 78 (“Reply”), and Petitioner filed a Sur-Reply, Paper 82 (“Sur-Reply”). Petitioner also filed Objections to Patent Owner’s Reply Evidence. Paper 80. Patent Owner filed a Notice of Supplemental Authority. Paper 83. For the reasons stated below, Patent Owner’s Motion is DENIED.

At the heart of this dispute is the relationship between Petitioner entity LEDVANCE LLC and MLS, LEDVANCE LLC’s ultimate parent corporate entity, which was not listed as a RPI in this Petition.

On February 2, 2024, Patent Owner filed a complaint for patent infringement of the ’678 patent against LEDVANCE: *Feit Electric Co., Inc. v. LEDVANCE, LLC*, No. No. 5:24-cv-31 (E.D. Ky.). Ex. 1072. On April 17, 2024, LEDVANCE LLC filed a Fed. R. Civ. P. 7.1 Corporate Disclosure Statement stating that LEDVANCE is a wholly owned subsidiary of Ledvance Holdings, LLC, which in turn is a wholly-owned subsidiary of

¹ IPR2024-01357 and IPR2025-00260 are consolidated. This motion applies only to IPR2024-01357, so all citations are to the docket in IPR2024-01357.

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Ledvance GmbH, which in turn is a wholly-owned subsidiary of MLS Co. Ltd. Ex. 3004.

On March 13, 2024, Patent Owner filed a complaint against Savant Technologies LLC d/b/a GE Lighting: *Feit Electric Co., Inc. v. Savant Technologies LLC d/b/a GE Lighting*, No. 1:24-cv-473 (N.D. Ohio).

On August 24, 2024, Petitioner Savant Technologies LLC d/b/a GE Lighting and LEDVANCE filed a petition for *inter partes* review in IPR2024-01357 on August 26, 2024, alleging that claims 1–3, 6, 7, 9, 10, 16–21, 25, 26, and 29 of U.S. Patent 8,604,678 (“’678 patent”) are unpatentable over several grounds. In their Petition, LEDVANCE and Savant named only one other real party in interest, Seoul Semiconductor Co. Ltd. Pet. 16. On March 5, 2025, we instituted an inter partes review on all claims challenged in the Petition on all the grounds raised in the Petition. See Paper 17.

On December 9, 2024, Savant Technologies LLC d/b/a GE Lighting, Elong International USA Inc., and Xiamen Longstar Lighting Co. Ltd. filed a Petition requesting inter partes review of claims 1 and 11–14 of the ’678 patent (“the ’260 IPR”).² On June 12, 2025, the Acting Director issued a decision denying the request and referring the Petition to the Board “to handle the case in the normal course, including by issuing a decision on institution addressing the merits and other nondiscretionary considerations, as appropriate.” ’260 IPR, Paper 16, 3. The Acting Director further instructed the Board, “[a]bsent extraordinary circumstances, the Board shall consolidate this proceeding with IPR2024-01357.” *Id.* On June 23, 2025, we

² LEDVANCE is not a party to the ’260 IPR.

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instituted *inter partes* review under 35 U.S.C. § 314(a), and consolidated IPR2025-00260 with IPR2024-01357. '260 IPR, Paper 17.

In a memorandum dated October 28, 2025, the Director designated as precedential *Corning Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (precedential except for § II.E.I). On November 14, 2025, following that designation, Patent Owner filed a request for Director Review that mirrors the RPI arguments made in the Motion. Paper 47. That request was dismissed by the Director as untimely. Ex. 3100. A subsequent request for a good cause extension (Ex. 3101) was also denied (Ex. 3102).

Following the initial round of briefing on this Motion, we also authorized a motion for additional discovery. Paper 66. We granted the motion for additional discovery in-part and allowed further briefing on this Motion. Paper 73.

II. ANALYSIS

A. *Legal Principles*

Under 35 U.S.C. § 312(a)(2), a petition may be considered only if it identifies all RPIs. We generally accept a petitioner's initial identification of RPI(s), unless the patent owner presents some evidence to support its argument that an unnamed party should also be included. *See Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1242 (Fed. Cir. 2018) (explaining that "an IPR petitioner's initial identification of the real parties in interest should be accepted unless and until disputed by a patent owner"). "[A] patent owner must produce some evidence to support its argument that a particular third party should be named a real party in interest." *Id.* After a patent owner has

done so, “it is Petitioner’s burden to bring forth evidence or arguments demonstrating that it had named all RPIs.” *Tianma Microelectronics Co. v. LG Display Co.*, IPR2025-01579, Paper 12, at 9–10 (March 18, 2026) (“*Tianma*”) (precedential). The ultimate burden of proof remains with the petitioner to establish that it has complied with the statutory requirement of 35 U.S.C. § 312(a)(2) to identify all real parties in interest.

Whether a non-party is a “real party in interest” is a “highly fact-dependent question” with no “bright line test.” *Applications in Internet Time, LLC v. RPX Corp.*, 897 F.3d 1336, 1342 (Fed. Cir. 2018) (“*AIT*”). “[T]he two questions lying at [the] heart [of the RPI inquiry] are whether a non-party ‘desires review of the patent’ and whether a petition has been filed at a nonparty’s ‘behest.’” *Id.* at 1351 (quoting USPTO’s Trial Practice Guide, 77 Fed. Reg. 48,756, 48,759 (Aug. 14, 2012)³).

The Supreme Court in *Taylor v. Sturgell*, 553 U.S. 880 (2008) sets forth factors relevant to the question of whether a non-party is “real party in interest.” 533 U.S. at 893–95. Although “rarely will one fact, standing alone, be determinative of the inquiry,” “[a] common consideration is whether the non-party exercised or could have exercised control over a party’s participation in a proceeding.” TPG § I.D.1. Other considerations may include whether a non-party “funds and directs and controls” an IPR petition or proceeding; the non-party’s relationship with the petitioner; the non-party’s relationship to the petition itself, including the nature and/or

³ The current version of the Trial Practice Guide (“TPG”) is available at <https://www.uspto.gov/patents/ptab/trial-practice-guide>.

degree of involvement in the filing; and the nature of the entity filing the petition. *Id.*

The analysis considers how courts generally have used the term to “describe relationships and considerations sufficient to justify applying conventional principles of estoppel and preclusion.” *Id.* In general, a real party in interest is “the party that desires review of the patent,” and “may be the petitioner itself, and/or it may be the party or parties at whose behest the petition has been filed.” *Id.*

“We also may consider whether Petitioner’s actions ‘have blurred sufficiently the lines of corporate separation with [an unnamed related entity], such that [the entity] could have controlled the filing and participation of the IPRs.’” *Corning Optical Commc’ns RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68, at 15 (PTAB Aug. 18, 2015) (precedential except § II.E.1) (“*Corning*”) (quoting *Zoll Lifecor Corp. v. Philips Elec. N. Am. Corp.*, IPR2013-00606, Paper 13, at 10 (PTAB Mar. 20, 2014)).

B. Patent Owner’s Contentions

Patent Owner argues that “[i]n the wake of recent guidance from the Director, the Petition’s failure to identify this RPI is fatal to the IPR and requires termination.” Mot. 1. Patent Owner asserts that “MLS controls LEDVANCE, and the two companies share the same leader, Mr. Qinghuan Sun,” and “MLS has announced that it is expanding into the lighting fixtures market and therefore has a direct interest in challenging [Patent Owner’s ’678 patent].” *Id.* at 4; Reply 2.

Patent Owner asserts that “[i]n 2017, LEDVANCE’s parent, LEDVANCE GmbH, was purchased by a ‘Chinese investment consortium,

consisting of the strategic investor IDG Capital, the LED packaging manufacturer MLS CO., LTD. (MLS) and Yiwu State-Owned Assets Operation Center (Yiwu).” *Id.* at 4 (citing Ex. 2040; Ex. 2058, 3; Ex. 2057, 3). And that Yiwu State-Owned Assets Operation Center later became a shareholder in MLS. *Id.* at 5 (citing Ex. 2040; Ex. 2058, 3; Ex. 2057, 3); *see also* Reply 5. Patent Owner argues that MLS Chairman Qinghuan Sun is the CEO and Managing Director of LEDVANCE, and “continues to lead both LEDVANCE and MLS today.” *Id.* (citing Ex. 2043, EX2044). Patent Owner asserts that Mr. Sun is “the ‘Global Chief Executive Officer’ of LEDVANCE,” and “Mr. Sun is just one of *many* officers and directors with leadership roles at MLS and various LEDVANCE entities.” Reply 4 (citing Ex. 2116, 128:4–141:3; Ex. 2072, 4–6). Patent Owner contends that “[a]s the entity controlling this global, integrated platform, MLS has been clear that it would reorganize and replace LEDVANCE’s board of directors, supervisory board, and officers to serve MLS interests.” *Id.* (citing Ex. 2070, 23–24; Ex. 2116, 123:13–127:5); Reply 2.

Patent Owner also argues that LEDVANCE LLC is not “independent,” but is part of MLS’s “integrated” global platform. Reply 3–4. Patent Owner asserts that MLS and LEDVANCE tout that they are vertically integrated and span “140 countries and regions.” *Id.* at 4. Patent Owner contends that MLS acquired LEDVANCE to “gain exclusive access to LEDVANCE’s U.S. and other global markets for LED products.” *Id.* at 2 (citing Ex. 2116, 56:9–13, 75:12–77:13, 78:6–79:7, 95:7–95:13, 116:17–119:2, 120:12–121:2; Ex. 2040; Ex. 2077; Ex. 2070, 7–8). Patent Owner asserts that “MLS mandated that LEDVANCE begin using MLS LED components, including its infringing white filament LED bulbs.” *Id.* at 3

(citing Ex. 2070 at 8; Ex. 2041; Ex. 2116, 119:17–120:4, 83:3–85:13).

Patent Owner contends that “MLS even built a new factory in Yiwu, China, to build LED filament bulbs for LEDVANCE.” *Id.* (citing Ex. 2085, 5; Ex. 2084, 1; Ex. 2103, 1–2, 5, 9, 12, 15–16, 18; Ex. 2116, 152:19–153:17, 172:10 187:16, 157:12–160:8).⁴ Patent Owner asserts that “MLS completed the Yiwu factory in 2016 and, importantly here, MLS then closed LEDVANCE’s factories as part of a ‘restructuring.’” *Id.* (citing Ex. 2099, 2–3; Ex. 2116, 148:20–152:7, 153:20–157:5; Ex. 2085, 3). Patent Owner argues “[t]his is clear demonstration of the direct control MLS has over LEDVANCE’s operation.” *Id.*

Patent Owner contends that “Mr. Martin admitted that a company known as ‘Harmony’ makes LEDVANCE’s white filament LED bulbs.” Reply 3 (citing Ex. 2116, 32:20–33:14). Patent Owner asserts that “[i]mport records show that Yiwu Harmony Core Lighting Co. Ltd. (‘Harmony’)—another MLS entity—has shipped the accused white filament LED bulbs to LEDVANCE’s distribution center in Pennsylvania.” *Id.* (Ex. 2116, 160:9–165:9; Ex. 2095, 5; Ex. 2109, 2). Patent Owner argues that “[a]dditional import records show that Harmony’s U.S. shipments have been directed exclusively to LEDVANCE LLC.” *Id.* (citing Ex. 2109, 2; Ex. 2104, 1–2; Ex. 2116, 165:11–167:4).

Patent Owner asserts that “MLS also has even further links to the Chinese government through its investment in yet another lighting company, Kaistar Lighting.” *Id.* (citing Ex. 2046, Ex. 2056). Patent Owner contends

⁴ We note that Patent Owner’s Reply raises numerous new arguments and contains lengthy string citations without explanation of the evidence. For example, Exhibit 2103 is a forty-page document.

that MLS’s partner in the acquisition, China Electronics Corporation (CEC), is a Chinese state-owned company “that the U.S. Department of War has identified as a Chinese Military Company operating in the United States.” *Id.* (citing Ex. 2047; Ex. 2048).

Patent Owner argues that the facts here parallel *Corning* and warrant termination. *Id.* at 6–7. Patent Owner asserts that MLS, like Corning, owns 100% of Petitioner, and Mr. Sun leads both LEDVANCE GmbH and MLS. *Id.* Moreover, Patent Owner contends that MLS is “an active participant in the same lighting markets as both LEDVANCE and [Patent Owner].” *Id.* at 7. Patent Owner points to statements that MLS is expanding beyond LED packages and into the market for finished lighting products and that it owns brands including LEDVANCE. *Id.* Patent Owner contends that “[t]hese statements demonstrate MLS’s control over LEDVANCE *and* its operation of both brands in the same market for finished lighting products.” *Id.* Patent Owner asserts that this litigation is material to MLS. Reply 4–5. Moreover, Patent Owner argues that MLS and LEDVANCE have blurred lines because in an unrelated ITC investigation the response referred to LEDVANCE LLC, LEDVANCE GmbH, and MLS collectively as LEDVANCE, and Mr. Martin signed a response to the ITC complaint on behalf of LEDVANCE LLC, LEDVANCE GmbH, and MLS. *Id.* at 5.

Patent Owner also argues that MLS’s ownership and control of LEDVANCE raises concerns of state-backed financing of patent challenges, because “MLS and LEDVANCE have been linked to multiple Chinese state-owned entities,” including Yiwu State-Owned Assets Operation Center and Chinese Electronics Corporation. Mot. 7–8; Reply 5. Patent Owner asserts that, when these links are combined with Mr. Sun “as the Chairman/CEO of

both MLS and LEDVANCE, as well as the common market objectives and control between these two companies, these connections to the Chinese government further exemplify the concerns about foreign state-backed actors.” Mot. 8. Patent Owner also argues that MLS receives subsidies from the Chinese government. Reply 5.

Patent Owner contends that evidence it cites is like the evidence in *Yangtze Memory Tech. Co., Ltd. v. Micron Tech., Inc.*, where the Director found that the Patent Owner had met its burden to identify sufficient evidence to put into dispute where the Petitions identified all RPIs. *Id.* at 9 (citing IPR2025-00098, IPR2025-00099, Paper 38 (Director Jan. 15, 2026) (citing *Worlds*, 903 F.3d at 1244)). Thus, Patent Owner contends that the burden now shifts to Petitioner to show that MLS is not an RPI. *Id.* at 9–10.

C. Petitioner’s Contentions

Petitioner contends “the question the Board must answer to determine whether MLS Co. Ltd. (‘MLS’), a publicly traded Chinese company, is an RPI: whether MLS is ‘a clear beneficiary that has a preexisting, established relationship with’ LEDVANCE LLC; that is, MLS must be one that ‘desires review of the patent’ and at whose ‘behest’ the petition was filed.” Opp. 1 (citing *AIT*, 897 F.3d 1351). Petitioner argues that “LEDVANCE LLC is not a shell company controlled from abroad.” Petitioner submits that the Declaration of Andrew Martin, General Counsel of LEDVANCE LLC (Paper 59; Ex. 2064, “Martin Decl.”), “establishes that LEDVANCE LLC independently authorized, funded, and directed this proceeding for its own defense, with no involvement by LEDVANCE GmbH or MLS at any stage.” *Id.* at 2. Petitioner asserts that Patent Owner’s theory “rests on a premise the law rejects: that corporate ownership alone establishes RPI status.” *Id.*

Petitioner submits that “[t]he four entities in LEDVANCE’s corporate chain are separate companies, separately managed, in separate countries, with separate leadership,” and “[n]one of the facts PO cites connects MLS to this proceeding.” *Id.*

Petitioner argues that “LEDVANCE LLC operates independently of both LEDVANCE GmbH and MLS.” *Id.* at 4 (citing Martin Decl. ¶ 12). Petitioner asserts that “LEDVANCE LLC has its own General Counsel and its own management,” and Patent Owner’s “attempt to show overlap in management rests on conflating LEDVANCE LLC with LEDVANCE GmbH.” *Id.* (citing Martin Decl. ¶¶ 1, 13). Petitioner submits that Patent Owner’s assertions that “MLS and LEDVANCE ‘share the same leader, Mr. Qinghuan Sun’,” are not correct because “Sun serves as a Managing Director of LEDVANCE GmbH—the German parent—not of LEDVANCE LLC, the petitioner in this proceeding.” *Id.* (citing Martin Decl. ¶¶ 14–15). Petitioner notes that neither LEDVANCE GmbH nor MLS has been sued, and Patent Owner has not connected anyone associated with those companies with this proceeding. *Id.* Petitioner argues that Mr. Martin testifies that he and a consultant worked on this Petition. *Id.* at 4–5 (citing Martin Decl. ¶ 22). Petitioner asserts that neither LEDVANCE GmbH nor MLS has any centralized IP department to manage litigation, and LEDVANCE manages IP litigation, including this IPR, directly. *Id.* at 5 (citing Martin Decl. ¶¶ 19–29; 32, 33). Petitioner submits that no employees at MLS or LEDVANCE GmbH saw the draft petition or had any involvement in the decision to file, and that LEDVANCE paid all counsel fees. *Id.* Petitioner contends that LEDVANCE is “the entity that desired

review of this patent, and it is the only entity with a direct commercial stake in this proceeding.” *Id.*

Petitioner argues that, in contrast to the petitioner in *Yangtze*, it has identified who authorized, funded, and directed this proceeding. *Id.* at 5–6 (citing Martin Decl. ¶¶ 19–29; *BOE Tech. Group Co. v. Paneltouch Techs., LLC*, IPR2025-01482, Paper 10 (Director Jan. 16, 2026)). Petitioner contends that, in contrast to *Corning*, the evidence shows that LEDVANCE alone funded this proceeding, selected counsel, and directed strategy without any involvement from MLS or LEDVANCE GmbH. *Id.* at 6–7. Petitioner submits that a parent-child corporate relationship is insufficient to show that the parent is an RPI. *Id.* at 7–8.

Petitioner also argues is not the type of “covert financing” and “misuse of AIA proceedings by foreign adversaries” through undisclosed state backing that was targeted by the Director’s October 28, 2025 Memorandum. Opp. 8. Petitioner notes that MLS’s ownership of LEDVANCE GmbH has been known since 2017, been disclosed in corporate filings, and cleared by the U.S. government. *Id.* (citing Martin Decl. ¶¶ 8–11). Petitioner notes that Patent Owner also produces its products in China. *Id.* (citing Ex. 1078). Petitioner submits that it is not a state-owned entity, as Patent Owner contends, but rather it is a founder-controlled public company, with Mr. Sun owning about 40% of the outstanding shares. *Id.* (citing Martin Decl. ¶ 6; Ex. 1077). Petitioner notes that even though Yiwu State-Owned Assets Operation Center was involved in the original acquisition of LEDVANCE GmbH in 2017, it has since been removed from the ownership chain entirely. *Id.* (citing Martin Decl. ¶ 9; Ex. 2041). Petitioner notes that MLS’s co-investment with CEC has nothing

to do with LEDVANCE or this IPR. *Id.* at 9. Indeed, Petitioner contends that Patent Owner appears to have acquired the '678 patent from a CEC-owned entity. *Id.* (citing Ex. 1083; Ex. 1081; Ex. 1082).

Finally, Petitioner notes, even if we find that the '1357 IPR should be terminated, that the '260 IPR should not be terminated because it is a separate proceeding. Opp. 9–10.

D. Factual Findings

LEDVANCE is a Delaware limited liability company headquartered in Wilmington, Massachusetts, and the successor to the SYLVANIA lighting business. Martin Decl. ¶¶ 2–4; Ex. 1069; Ex. 1070; Ex. 1084. Its CEO is Jonathan Lubeck. Ex. 1071. Mr. Andrew Martin is the General Counsel of LEDVANCE LLC. Martin Decl. ¶ 1. LEDVANCE LLC is an operating company responsible for the design, purchase, importation, marketing, and sale of all lighting products sold by a LEDVANCE entity in the United States. *Id.* ¶ 4; Ex. 2116, 28:16–31:3 (explaining LEDVANCE LLC designs products for the United States). LEDVANCE LLC is a subsidiary of LEDVANCE Holding LLC, a Delaware limited liability company. *Id.* ¶ 5.

LEDVANCE GmbH is LEDVANCE Holding LLC's parent. *Id.* LEDVANCE GmbH a global lighting company headquartered in Garching, Germany, the successor to Osram's general lighting division. Martin Decl. ¶ 5; Ex. 1073. LEDVANCE GmbH is the operating parent of a worldwide lighting group active in over 140 countries, with more than 50 subsidiaries. Ex. 1073. One of its Managing Directors is Qinghuan Sun, the founder of MLS. Martin Decl. ¶ 7; Ex. 1074 (LEDVANCE GmbH Impressum); *see also* Ex. 1075 (English-language Impressum listing Managing Directors and Munich Commercial Register HRB 220074). LEDVANCE GmbH was not

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sued by PO, is not an accused infringer, and were not involved in the preparation or filing of the petition in IPR2024-01357. Martin Decl. ¶¶ 17, 19–31.

MLS owns LEDVANCE GmbH and is publicly traded on the Shenzhen Stock Exchange (ticker: 002745). Ex. 1076. Mr. Qinghuan Sun, MLS’s founder, holds approximately 40% of shares personally and is its controlling shareholder; the remaining shares are held by institutional investors, the public, and minority corporate shareholders. Martin Decl. ¶ 6; Ex. 1077 (ISA biography of Qinghuan Sun, confirming founding of MLS in 1997 and role as Chairman/President); Ex. 2114, 139 (table from MLS 2024 Annual Report showing “Shareholdings of shareholders holding more than 5% of shares or the top 10 shareholders,” listing Sun Qinghuan as holding 37.18%). MLS was not sued by Patent Owner, is not an accused infringer, and was not involved in the preparation or filing of the petition in IPR2024-01357. Martin Decl. ¶¶ 30, 34.

In 2017, LEDVANCE GmbH was purchased by a Chinese investment consortium consisting of “the strategic investor IDG Capital, the LED packaging manufacturer [MLS], and Yiwu State-Owned Assets Operation Center.” Ex. 2040; Ex. 2058. Yiwu State-Owned Assets Operation Center was a minority investor in the investment consortium. Martin Decl. ¶ 9. MLS subsequently bought out Yiwu State-Owned Assets Operation Center’s interest. *Id.* Yiwu, may or may not have taken a stake in MLS. However, as of 2024, Yiwu was not one of the ten largest shareholders in MLS, and its stake, if any, was less than 0.61% of shares outstanding. Ex. 2114, 139 (table from MLS 2024 Annual Report showing “Shareholdings of shareholders holding more than 5% of shares or the top 10 shareholders”).

LEDVANCE LLC operates independently of both LEDVANCE GmbH and MLS. Martin Decl. ¶ 12. LEDVANCE LLC has its own General Counsel and its own management. Martin Decl. ¶¶ 1, 13. Mr. Sun only serves as a Managing Director of LEDVANCE GmbH—the German parent—not of LEDVANCE LLC, the petitioner in this proceeding. Martin Decl. ¶¶ 14–15 (Mr. Sun holds no position at LEDVANCE LLC and was not involved in this proceeding). MLS does not select or nominate LEDVANCE LLC’s board members, did not reorganize that board upon purchasing LEDVANCE GmbH, or urge board members to resign. Ex. 1095, 3. LEDVANCE LLC has no indemnification or cooperation agreement with MLS over the ’678 patent, and no shared counsel in any ’678 proceeding. *Id.* Moreover, MLS cannot “tell LEDVANCE LLC what products to sell” or “what components to use in its products.” Ex. 2117, 44:21–45:4. LEDVANCE LLC is solely “responsible for the design, purchase, importation, marketing and sale of LEDVANCE’s white-filament LED bulbs.” *Id.* 27:19 28:3; 30:10–17.

Only two LEDVANCE LLC personnel worked on the petition: Mr. Andrew Martin, who is also a registered patent attorney and former patent examiner, and Robert Clark, a registered patent attorney and former head of intellectual property at OSRAM SYLVANIA, now a consultant to LEDVANCE LLC. Martin Decl. ¶ 22. Neither LEDVANCE GmbH nor MLS uses a centralized IP department to manage LEDVANCE LLC’s IP litigation; counsel at LEDVANCE LLC handles IP litigation directly, and no one outside of LEDVANCE LLC controls the prosecution of this IPR or acts in a supervisory capacity. Martin Decl. ¶¶ 19–29, 32–33. No employee of LEDVANCE GmbH or MLS saw the draft petition or had any involvement

in the decision to file. *Id.* ¶¶ 23–27, 30–31. LEDVANCE LLC paid all counsel fees. *Id.* ¶¶ 28, 29. LEDVANCE LLC and Mr. Martin provide periodic updates to LEDVANCE GmbH as part of routine corporate reporting. *Id.* ¶ 32. LEDVANCE LLC is the entity that desired review of this patent, and it is the only entity with a direct commercial stake in this proceeding. *Id.* ¶ 33.

MLS’s ownership of LEDVANCE has been publicly known since 2017, and Patent Owner has been on notice of this ownership since at least April 2024. *See* Martin Decl. ¶ 11; Ex. 2041; Ex. 3004.

In an ITC proceeding, Mr. Martin verified LEDVANCE and MLS’s response to an ITC complaint. Ex. 2088, 86. Mr. Martin identified himself as “VP & General Counsel, Americas Region at LEDVANCE LLC” and stated that he was “duly authorized to make this verification on behalf of [Respondents MLS Co., Ltd., LEDVANCE GmbH, and LEDVANCE LLC].” *Id.* The Response differentiates between the activities of LEDVANCE LLC and LEDVANCE GmbH and MLS, and denies that LEDVANCE GmbH or MLS had any involvement with importing the products accused in that ITC investigation. *See id.* at 20–21.

The complaint filed by Patent Owner in the Kentucky litigation accuses LEDVANCE LLC of infringing the ’678 patent. Ex. 1072, 1. That complaint does not name MLS as a defendant. *Id.*

E. Analysis

There is a general principle of corporate law “deeply ‘ingrained in our economic and legal systems’ that a parent corporation (so-called because of control through ownership of another corporation’s stock) is not liable for the acts of its subsidiaries.” *United States v. Bestfoods*, 524 U.S. 51, 61

(1998) (citations omitted). Consistent with this, Board precedent holds that the mere fact that MLS is “the ultimate parent of Petitioner is not sufficient evidence, by itself that [MLS] exerts control over these proceedings.”

Corning, at 22.

For this reason, we are not persuaded by Patent Owner’s repeated reliance on MLS indirect ownership of 100% of LEDVANCE LLC because the exercise or availability of general “control” that stock ownership vests in stockholders, such as in the parent-subsidary relationships among LEDVANCE LLC and MLS, which includes the election of directors, the making of by-laws, and other acts incident to the legal status of stockholders, will not make one company a real party in interest of the other. *Bestfoods*, 524 U.S. at 61–62. Moreover, it is entirely appropriate for directors of a parent corporation to serve as directors of its subsidiary, and that fact alone may not serve to expose the parent corporation to liability for its subsidiary’s acts. *Id.* at 69 (citations omitted). Indeed, although there is some overlap of personnel between LEDVANCE GmbH and MLS, Patent Owner has not shown any overlap between LEDVANCE LLC and LEDVANCE GmbH or MLS. *See* Ex. 2042; Ex. 2043; Ex. 2044.

Thus, Patent Owner’s assertion Mr. Sun leads both LEDVANCE and MLS is not correct. Reply 4. Although evidence shows that Mr. Sun serves as CEO of MLS and as one of the Managing Directors of LEDVANCE GmbH, other evidence shows that the management and directors of the MLS, LEDVANCE GmbH, and LEDVANCE LLC differ significantly. *See* Ex. 2117, 143:12–16; Martin Decl. ¶¶ 7, 15.

Patent Owner contends that because MLS has the power to appoint LEDVNACE GmbH’s controlling managers, this allows MLS to control

LEDVANCE because theoretically MLS could appoint new managers and retake the control previously delegated to its operating subsidiary. *See* Reply 1–2. But relying on such “theoretical power” would eviscerate the RPI test. *See Daifuku Co. v. Murata Mach., Ltd.*, IPR2015-01538, Paper 11, at 11 (Jan. 19, 2016) (“If theoretical power, whether exercised or not, were the controlling test for determining a real party in interest, the test would be eviscerated of substance.”). It would also contradict the general corporate law principle that control through ownership (and the theoretical power that goes along with it) alone does not eviscerate corporate distinctions between a parent and its subsidiaries, particularly where the evidence shows—as it does here—those distinctions have at all times been maintained with respect to the activity at issue. *See Bestfoods*, 524 U.S. at 61.

We are not persuaded by Patent Owner’s reliance on *Corning* because the facts here are quite different. In *Corning*, there was evidence that employees managed the same product line at both the parent and subsidiary, that engagement letters with outside counsel referred to both entities, that the corporate parent funded the litigation, and that counsel for the corporate parent provided direction to outside counsel. *See Corning*, 17–22. Unlike *Corning*, the evidence in the instant proceeding shows that MLS did not manage any product line at LEDVANCE, that MLS did not participate in engagement of outside counsel, that MLS did not fund the proceedings, and that all the internal counsel involved are employed by LEDVANCE—not MLS. Martin Decl. ¶¶ 19–31. That Mr. Martin may have verified an ITC response for MLS and LEDVANCE GmbH in an unrelated patent case does not mean that MLS and LEDVANCE GmbH controlled this proceeding. Mr. Martin made clear that he worked for LEDVANCE LLC and that he

was authorized by the other companies to sign the verification as well. Moreover, the response made clear that LEDVANCE LLC was the only entity that was responsible for importing the accused products in that case. *See* Ex. 2088, 20–21. It is the parties’ relationship with respect to the particular proceeding in question that is the focus of our inquiry, not every unrelated interaction. In sum, the blurred corporate lines that existed between the entities in *Corning* do not exist between MLS and LEDVANCE LLC here.

As for Patent Owner’s contentions that LEDVANCE is part of the “integrated” MLS platform, Reply 3–4, we note that those appear largely aspirational, not reflections of reality. *See* Ex. 2103, 5 (noting “cautious consideration of the integration timeline between MLS’s headquarters and Ledvance’s LED application business”), 12 (discussing “collaborating with Ledvance”), 18 (“the Company will gradually integrate Ledvance’s sales network” and “[c]urrently, most of Ledvance's LED lighting products are manufactured through OEM production; upon the completion of this fundraising investment project, a portion of products will be self-produced.”), 19 (“[f]ollowing the integration of Ledvance into the Company, the Company will strengthen the business integration between MLS headquarters and Ledvance...”). Indeed, Mr. Martin’s testimony demonstrates that the companies operate relatively independently with LEDVANCE LLC designing the products they sell and then contracting with other companies, including subsidiaries of MLS to manufacture the products. *See* Ex. 2116, 31:9–34:9, 188:12–189:1. Moreover, the evidence demonstrates that LEDVANCE, not MLS, designs and can determine the specifics of the products manufactured by these contract manufacturers. *See*

Ex. 2106, 56:17–58:10. Thus, rather demonstrating blurred lines between the companies, the division of duties and contractual nature of their relationship suggests that MLS and LEDVANCE remain distinct entities.

We note these facts are also different than those in *Tianma* where the Petitioner only submitted a conclusory declaration unsupported by relevant documents. *Tianma*, 10. Unlike the petitioner in *Tianma*, Petitioner in this case has provided detailed testimony, discovery responses, corporate documentation, and other records. *See, e.g.*, Martin Decl.; Exs. 1075, 1076, 1079, 1081, 1084, 1091, 1092, 1094–1097. Moreover, unlike the testimony offered in *Tianma*, we find that Mr. Martin’s testimony is not conclusory. He provides considerable explanation in his declaration, and his direct testimony was subject to extensive cross-examination by Patent Owner. *See* Ex. 2117 (210-page deposition transcript). On balance, we find her testimony credible and generally supportive of the facts in Petitioner’s briefing.

Patent Owner has not directed us to any persuasive evidence that Petitioner conducted negotiations with Patent Owner or others on behalf of both Petitioner and its parent or subsidiary corporations, as found in *Atlanta Gas Light Co. v. Bennett Regulator Guards, Inc.*, IPR2013-00453, Paper 88 at 2–6, 11 (PTAB Jan. 6, 2015). There is no evidence of record indicating that any personnel from MLS directed, controlled, or participated in this IPR proceeding. Indeed, there is no evidence that any officer of MLS is aware of this IPR proceeding.

We also are not persuaded by Patent Owner’s arguments regarding the role of Mr. Sun or other employees as both officers of MLS and as employees of LEDVANCE GmbH. *See* Reply 3–4. *Bestfoods* explains the

understanding that “corporate personalities remain distinct has its corollary in the ‘well established principle [of corporate law] that directors and officers holding positions with a parent and its subsidiary can and do “change hats” to represent the two corporations separately, despite their common ownership.’” *Bestfoods*, 524 U.S. at 69 (citations omitted).

Moreover, the evidence here shows that, although Mr. Sun styles himself as the “Global Chief Executive Officer” of LEDVANCE, Mot. 4, he has been relatively clear which “hat” he is wearing in the relevant official documentation. *See* Ex. 1074; Ex. 1075. Moreover, most importantly, there is no evidence of overlapping leadership between MLS and LEDVANCE LLC. Rather than blurring lines, this shows that a line of demarcation was made clear, allowing outsiders to identify when Ms. Sun was leading MLS and when he was leading LEDVANCE GmbH.

And we find the evidence of control or the ability to control even more tenuous when addressed to LEDVANCE employees such as Mr. Martin and Mr. Clark, who are the actual responsible employees at LEDVANCE. Martin Decl. ¶¶ 19–31. There is no indication of any blurred line that would require Mr. Martin to act directly on behalf of MLS. Martin Decl. ¶¶ 19–31.

Patent Owner does not have the burden of proof, but we wish to note several of its contentions that feature prominently in its briefs have no factual support in the record. First, there is no support for Patent Owner’s assertion that “MLS *mandated* that LEDVANCE begin using MLS LED components, including . . . white filament LED bulbs.” Reply 3 (Ex. 2070, 8; Ex. 2041; Ex. 2116, 119:17–120:4, 83:3–85:13). Exhibit 2070 is titled Independent Financial Advisor Report about a share issuance by MLS to pay for the LEDVANCE transaction, and that report does talk about “the LED

lamp beads required by LEDVANCE products will be gradually packaged by [MLS], and this cost synergy effect will help improve profit margins of LED products.” *See* Ex. 2070, 2 (explaining what the document is), 8 (quoted text). However, that statement falls far short of Patent Owner’s claim. Exhibit 2041 is merely a press release about MLS acquiring Yiwu’s and IDG’s stakes in LEDVANCE GmbH, but says nothing about Patent Owner’s assertion. Moreover, the cited testimony of Mr. Martin (Ex. 2116) simply involves him reading these sentences from Exhibits 2041 and 2070. Second, we also find that the record does not support Patent Owner’s contention that “MLS even built a new factory in Yiwu, China to build LED filament bulbs for LEDVANCE.” Reply 3. The cited exhibits simply state that MLS constructed a factory in Yiwu, China in 2016, which is before it acquired LEDVANCE. *See* Ex. 2085, 5; Ex. 2084, 1; Ex. 2103 at 1–2, 5, 9, 12, 15–16, 18; EX-2116, 152:19-153:17, 172:10 187:16, 157:12–160:8.

Third, Patent Owner’s contention that LEDVANCE’s restructuring is a “clear demonstration” of MLS’s control of LEDVANCE and connected to the construction of the factory in Yiwu is not supported by the evidence. Reply 3 (citing Ex. 2099, 2–3; Ex. 2116, 148:20–152:7, 153:20–157:5; Ex. 2085, 3). None of the cited exhibits support this statement. Indeed, Exhibit 2103 states that the “restructuring” was initiated by LEDVANCE GmbH’s Supervisory Board *prior* to MLS’s acquisition of LEDVANCE GmbH. *See* Ex. 2103, 21 (“Prior to MLS’s acquisition of Ledvance, Ledvance’s Supervisory Board had formulated a detailed restructuring plan. The specific implementation timeline for this restructuring plan ran from 2017 to 2021, with restructuring activities carried out annually according to the established plan, and the restructuring plan was revised based on

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Ledvance's operational conditions following each phase of restructuring to achieve optimal operating performance.”).

Patent Owner’s actions in the Kentucky litigation further belie its assertion that MLS is an RPI. Patent Owner’s complaint in the Kentucky litigation names only LEDVANCE LLC as a defendant. Ex. 1072, 1. This is true, notwithstanding the fact that the numerous public documents Patent Owner relies upon in its Motion were presumably available to Patent Owner prior to the filing of that complaint. *Compare* Ex. 2041, 1 (press release dated March 4, 2018 noting MLS took over full ownership of LEDVANCE GmbH), *with* Ex. 1072, 1 (complaint naming LEDVANCE LLC filed February 2, 2024). Indeed, LEDVANCE LLC identified MLS as its ultimate parent company in April 2024, months before the Petition was filed in this proceeding. *See* Ex. 3004. Accordingly, even Patent Owner has treated LEDVANCE LLC and MLS as distinct entities as it relates to the subject matter of these proceedings—further supporting Petitioner’s position that MLS is not an RPI.

There is no evidence that this IPR was filed at MLS’s behest, which is consistent with the parallel litigation where MLS is not a party. We find that Patent Owner has provided no persuasive evidence showing that MLS has any direct relationship to the IPR proceeding at issue here, with no evidence that personnel, funds, or other assets were involved. In contrast, there is abundant evidence that LEDVANCE LLC personnel, funds, and assets were directly involved in the IPR proceeding, which Petitioner has shown it alone controls. Martin Decl. ¶¶ 19–32.

As noted above, there is no dispute that both MLS and LEDVANCE LLC benefit from the revenues received from the accused products. Opp. 7.

We find, however, that this appears to be a generalized benefit for MLS incidental to being LEDVANCE’s parent corporation. *See id.*

Consistent with these facts, Patent Owner did not sue MLS in the parallel litigation involving the challenged patents. *See* Opp. 3–4. “[W]e must be cautious not to ‘overextend[]’” the analysis of who qualifies as an RPI “to any situation where ‘a party benefits generally from the filing of the Petition and also has a relationship with the Petitioner.’” *Ventex Co. v. Columbia Sportswear N. Am., Inc.*, IPR2017-00651, Paper 152 at 10 (PTAB Jan. 24, 2019) (precedential) (quoting *Unified Patents, Inc. v. Realtime Adaptive Streaming, LLC*, IPR2018-00883, Paper 36 at 14–15 (PTAB Oct. 11, 2018)). In other words, although MLS may have an interest in this IPR and/or in the accused products, that interest is incidental to being Petitioner’s corporate parent. Such an incidental interest is insufficient, in and of itself, to make MLS an RPI to these proceedings. *See id.*; *see also Corning*, 22 (The fact that MLS is “the ultimate parent of Petitioner” and in that regard would presumably benefit from Petitioner’s success in these proceedings “is not sufficient evidence, by itself that [MLS] exerts control over these proceedings.”).

This case is distinguishable from the Director’s recent decision in *Viance, LLC v. Koppers Performance Chemicals, Inc.*, PGR2026-00023, Paper 32 (Director Aug. 19, 2026). *Viance* was a decision denying institution of a post-grant review where the Director reiterated that “RPIs are not limited to entities that are actually funding and controlling the proceeding but include entities that have the *ability* to control the proceeding.” *Viance*, 3 (citing *Tianma*, 9–10). In contrast to *Viance* where the Petitioner did not meet its burden, we find that the record demonstrates

MLS is not an RPI. We note that *Viance* does not overrule the precedential *Corning* decision, which we must apply. Moreover, *Viance* is a decision on institution where the Patent Owner raised the issue early, when the Director's discretion is at a maximum. Here, we are confronted with a Patent Owner that did not raise the RPI issue until more than 8 months after institution and more than 18 months after LEDVANCE informed Patent Owner that MLS was its corporate parent. *See* Ex. 3004. Thus, we find that *Viance* does not compel a different result here.

As for Patent Owner's arguments regarding state control of MLS, we do not find them supported by the record. *See* Mot. 7–8. Patent Owner notes that Yiwu State-Owned Assets Operation Center was involved in the acquisition of LEDVANCE by MLS and may have received shares when MLS took full control of LEDVANCE. *Id.* However, LEDVANCE has provided evidence that Yiwu does not own a significant portion of MLS. Martin Decl. ¶ 9. As we found above, this is confirmed by Patent Owner's own evidence that demonstrates that Yiwu is not a significant shareholder in MLS, if it owns any portion of MLS. *See* Ex. 2114, 139. Patent Owner does not point to any evidence that any other state-owned entity owns any significant portion of MLS.

Nor are we persuaded by Patent Owner's contention that MLS's partnership with CEC to purchase another lighting company, Kaistar Lighting, is problematic for this case. Patent Owner does not provide any evidence or contentions that this partnership has any relationship to this proceeding or that CEC has any ownership or control in MLS. We do not believe that a business contact unrelated to this proceeding gives rise to the types of issues that the Director was addressing in the recent cases involving

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Chinese government ownership, and the evidence here demonstrates that, in this case, such ownership or control has not been shown. *See Tianma*, 9–10.

III. CONCLUSION

Considering the totality of the arguments and evidence, we are persuaded that MLS is not an RPI in this IPR proceeding, notwithstanding its status as the corporate parent of Petitioner LEDVANCE. Petitioner LEDVANCE has established that it has complied with the statutory requirement to identify all real parties-in-interest. For the foregoing reasons, we deny Patent Owner’s motion to terminate.

IV. ORDER

In view of the foregoing, it is hereby ORDERED that Patent Owner’s Motions to Terminate in are denied.

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