

UNITED STATES PATENT AND TRADEMARK OFFICE

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

POSCO CO., LTD.,
Petitioner,

v.

ARCELORMITTAL,
Patent Owner.

IPR2024-01376 (Patent 10,961,602 B2)
IPR2024-01377 (Patent 11,326,227 B2)¹

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

ORDER

Denying Director Review and Remanding to the Patent Trial
and Appeal Board for Further Proceedings

¹ This order applies to both proceedings. Unless otherwise noted, all citations are to papers filed in IPR2024-01376. The parties filed similar papers in IPR2024-01377.

IPR2024-01376 (Patent 10,961,602 B2)
IPR2024-01377 (Patent 11,326,227 B2)

POSCO Co., Ltd. (“Petitioner”) filed two petitions for *inter partes* review challenging U.S. Patent No. 10,961,602 (“the ’602 patent”) in IPR2024-01376 and IPR2025-00370. Petitioner also filed two petitions for *inter partes* review challenging U.S. Patent No. 11,326,227 (“the ’227 patent”) in IPR2024-01377 and IPR2025-00371. The Board issued Decisions granting review in IPR2024-01376 and IPR2024-01377 (“Decisions,” Paper 11); IPR2025-00370 and IPR2025-00371 were referred to the Board for merits review and are both pending a decision on institution. *See* IPR2025-00370, Paper 10.

ArcelorMittal (“Patent Owner”) filed requests for Director Review of the Decisions and Petitioner filed authorized responses. *See* Paper 13 (“DR Request”), Paper 14. Consistent with the referral to the Board in IPR2025-00370 and IPR2025-00371, Patent Owner’s requests for Director Review are denied. *See* IPR2025-00370, Paper 10, 2–3 (explaining that Petitioner is not a party to the parallel litigation and that related claims were previously determined unpatentable by the Board).

However, at most, one of Petitioner’s two challenges to each of the ’602 and ’227 patents should move forward because multiple parallel petitions challenging the same patent are disfavored, as this places an unnecessary burden on the Board and raises issues of fairness, timing, and efficiency. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide 59 (84 Fed. Reg. 64,280 (Nov. 21, 2019));² *CrowdStrike, Inc. v. GoSecure, Inc.*, IPR2025-00068, Paper 25 at 3 (PTAB June 25, 2025) (informative). Should the Board institute review in IPR2025-00370 and/or IPR2025-00371, Petitioner is authorized to file in each of the cases that has been instituted a brief of no more than five pages ranking its petitions.

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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Petitioner shall file its briefs within ten days of the Board's decisions on institution. Patent Owner is authorized to file five-page briefs responding to Petitioner's rankings no later than ten days after Petitioner files its briefs. The Board shall then determine, within 30 days of the due date of Patent Owner's brief, which, if any, of the two cases challenging the '602 patent and the two cases challenging the '227 patent will move forward.

Having reviewed the requests and responses, it is:

ORDERED that the requests for Director Review are denied;

FURTHER ORDERED that if the Board institutes review in IPR2025-00370, Petitioner is authorized to file in IPR2024-01376 and IPR2025-00370 a five-page brief ranking its petitions challenging the '602 patent within ten days of the institution decision;

FURTHER ORDERED that if the Board institutes review in IPR2025-00371, Petitioner is authorized to file in IPR2024-01377 and IPR2025-00371 a five-page brief ranking its petitions challenging the '227 patent within ten days of the institution decision;

FURTHER ORDERED that Patent Owner is authorized to file five-page briefs responding to Petitioner's briefs no later than ten days after Petitioner files its briefs; and

FURTHER ORDERED that this case is remanded to the Board for further proceedings consistent with this decision.

IPR2024-01376 (Patent 10,961,602 B2)
IPR2024-01377 (Patent 11,326,227 B2)

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