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Paper 19
Date: August 19, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

POSCO CO., LTD. et al.,
Petitioner,

v.

ARCELORMITTAL,
Patent Owner.

IPR2024-01376 (Patent 10,961,602 B2)
IPR2024-01377 (Patent 11,326,227 B2)
IPR2025-00370 (Patent 10,961,602 B2)
IPR2025-00371 (Patent 11,326,227 B2)[1]

Before BARRY L. GROSSMAN, JULIA HEANEY, and BRIAN D. RANGE, *Administrative Patent Judges.*

RANGE, *Administrative Patent Judge*.

ORDER TERMINATING IPR2024-01376 and IPR2024-01377
35 U.S.C. § 325(d)

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[1] These proceedings have not been consolidated. The parties are not authorized to use a combined caption unless an identical paper is being entered into each proceeding, and the paper contains a footnote indicating the same.

A. INTRODUCTION AND PROCEDURAL HISTORY

On September 6, 2024, POSCO CO., LTD. et al. ("Petitioner") filed IPR2024-01376 challenging U.S. Patent No. 10,961,602 B2 ("the '602 patent") and filed IPR2024-01377 challenging U.S. Patent No. 11,326,227 B2 ("the '227 patent"). IPR2024-01376, Paper 1; IPR2024-01377, Paper 1. The Board instituted these reviews based on these petitions on January 23, 2026. IPR2024-01376, Paper 11; IPR2024-01377, Paper 11. ArcelorMittal ("Patent Owner") requested Director review of these two institution decisions on April 1, 2025. IPR2024-01376, Paper 13; IPR2024-01377, Paper 13.

On December 23, 2024, Petitioner filed a second set of petitions challenging the '602 patent and the '227 patent: IPR2025-00370 and IPR2025-00371. IPR2025-00370, Paper 3; IPR2025-00371, Paper 3. On June 25, 2025, the Director denied Patent Owner's request for discretionary denial of these petitions. IPR2025-00370, Paper 10; IPR2025-00371, Paper 10. In doing so, the Director's written decision did not explicitly address Patent Owner's argument that these Petitions should not be instituted based on copending IPR2024-01376 and IPR2024-01377. *Id.*; *see also, e.g.,* IPR2025-00370, Paper 8, 13–15 (Patent Owner making such an argument pursuant to *General Plastic Indus. Co. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 (PTAB Sept. 6, 2017) (precedential)). On July 23, 2025, the Board instituted reviews based on IPR2025-00370 and IPR2025-00371. IPR2025-00370, Paper 11; IPR2025-00371, Paper 11.

Coincidentally, also on July 23, 2025, the Director reached a decision on Patent Owner's request for Director review of the institution decisions in IPR2024-01376 and IPR2024-01377. IPR2024-01376, Paper 16 ("Director's Order"); IPR2024-01377, Paper 16. The Director's Order denies Patent

Owner's request for Director review. The Director's Order also states that only one petition against each challenged patent should move forward.

> [A]t 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.

Director's Order, 2. The Director's Order provides that the parties may file briefs regarding ranking of petitions. *Id.* at 2–3. Petitioner filed such a brief, and Patent Owner filed a response. *See, e.g.,* IPR2025-00370, Papers 13 ("Petitioner's Brief"), 14 ("Patent Owner's Response").[2] The Director's Order further states that "[t]he Board shall … determine … which, if any, of the two cases challenging the '602 patent and the two cases challenging the '227 patent will move forward." *Id.* at 3.

Here, for the reasons explained below, we determine that IPR2025-00370 and IPR2025-00371 shall move forward. We terminate IPR2024-01376 and IPR2024-01377.

C. ANALYSIS

Patent Owner ranks the petitions in IPR2025-00370 and IPR2025-00371 ahead of the petitions in IPR2024-01376 and IPR2024-01377. Petitioner's Brief 1; *see also* IPR2024-00371, Paper 13, 1. Patent Owner does not dispute this ranking and "requests that the Board move forward with IPR2025-00370 [and 00371]." Patent Owner's Response, 1; *see also* IPR2024-00371, Paper 14, 1. Because of the parties' agreement, we determine that, among the existing petitions, IPR2025-00370 and IPR2025-00371

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[2] For brevity and clarity of record, our analysis provides citations to papers filed in IPR2025-00370 unless stated otherwise.

should move forward.

Petitioner also argues that the Director should exercise discretion to consolidate IPR2024-001376 and IPR2025-00370, and IPR2024-001377 and IPR2025-00371, while considering only certain grounds from each petition. Petitioner's Brief, *passim*; IPR2025-00371, Paper 13, *passim*.

When, as here, multiple proceedings involving a patent are before the Patent Office, Congress provided the Director with flexibility in determining the manner in which the proceedings move forward or do not move forward:

> Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of any post-grant review under this chapter, if another proceeding or matter involving the patent is before the Office, the Director may determine the manner in which the post-grant review or other proceeding or matter may proceed, including providing for the stay, transfer, consolidation, or termination of any such matter or proceeding. In determining whether to institute or order a proceeding under this chapter, chapter 30, or chapter 31, the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office.

35 U.S.C. § 325(d). Thus, the Director's Order governs here.

We do not understand the Director's Order as providing the Board the authority to exercise discretion in the manner Petitioner proposes. Rather, the Director's Order states that "[t]he Board shall then determine … which, if any, of the two *cases* challenging the '602 patent and the two *cases* challenging the '227 patent will move forward." Director's Order 3 (emphases added). As we understand the Director's Order, the Board now lacks authority to allow two "cases" challenging either of the challenged patents to move forward; this directive stands regardless of whether the Board were to consolidate the cases into one *inter partes* review. As such, we do not adopt Petitioner's proposed hybrid approach, and we instead

terminate IPR2024-01376 and IPR2024-01377 pursuant to the Director's Order and the Director's authority under 35 U.S.C. § 325(d). Petitioner may seek to file a request for Director review of this decision to extent permitted by law.

D. CONCLUSION

Having reviewed the Director's Order and the parties' submissions, it is hereby:

ORDERED that IPR2024-01376 is terminated;

ORDERED that IPR2024-01377 is terminated; and

ORDERED that IPR2025-00370 and IPR2025-00371 shall continue with all existing orders remaining in place.

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