

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INNOSCIENCE AMERICA, INC.,
Petitioner,

v.

INFINEON TECHNOLOGIES AMERICAS CORP.,
Patent Owner.

IPR2025-00175
Patent 8,686,562 B2

Before JO-ANNE M. KOKOSKI, CHRISTOPHER M. KAISER, and
LISA A. MURRAY, *Administrative Patent Judges*.

KOKOSKI, *Administrative Patent Judge*.

ORDER
Order Authorizing Additional Briefing
37 C.F.R. § 42.20(d)

On April 9, 2026, oral argument was heard by Judges Kokoski, Kaiser, and Murray. Paper 26 (“Tr.”). During the oral argument, counsel for Petitioner cited *Guardant Health, Inc. v. University of Washington*, 2026 WL 183443 (Fed. Cir. Jan. 23, 2026) in the course of arguing that Yu alone discloses a “refractory metal nitride forming a top of said electrical contact and having a thickness greater than that of a bottommost layer of said plurality of metal layers” as recited in claim 1 of the ’562 patent. Tr. 31:9–32:1. *Guardant Health* was raised for the first time at the oral argument.

We find that additional briefing with respect to *Guardant Health* would be helpful to the Board. See 37 C.F.R. § 42.20(d) (“The Board may order briefing on any issue involved in the trial.”). Accordingly, Petitioner is authorized, but not required, to file a supplemental brief limited to addressing how *Guardant Health* affects Petitioner’s assertions based on Yu as described above. If Petitioner files a supplemental brief, Patent Owner is authorized to file a supplemental brief limited to responding to the arguments in Petitioner’s supplemental brief. Timing and length requirements are set forth in the Order below. The parties are not authorized to file additional evidence in support of their respective briefs.

It is

ORDERED that Petitioner is authorized to file a supplemental brief as set forth above;

FURTHER ORDERED that Petitioner’s supplemental brief shall not exceed three pages, and shall be due no later than five business days from the date of this Order;

FURTHER ORDERED that Patent Owner is authorized to file a responsive supplemental brief as set forth above; and

FURTHER ORDERED that Patent Owner's supplemental brief shall not exceed three pages, and shall be due no later than five business days from the filing date of Petitioner's supplemental brief.

IPR2025-00175
Patent 8,686,562 B2

FOR PETITIONER:

Lionel Lavenue
Kara Specht
Cory Bell
Shannon Yi
Sarah Rodriguez
Carlos Duarte-Guevara
Umber Aggarwal
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
lionel.lavenue@finnegan.com
Kara.Specht@finnegan.com
cory.bell@finnegan.com
shannon.yi@finnegan.com
sarah.rodriguez@finnegan.com
carlos.duarte-guevara@finnegan.com
umber.aggarwal@finnegan.com

FOR PATENT OWNER:

Richard Giunta
Scott McKeown
Jie Xiang
WOLF GREENFIELD & SACKS, P.C.
rgiunta-ptab@wolfgreenfield.com
smckeown-ptab@wolfgreenfield.com
jxiang-ptab@wolfgreenfield.com