

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

INNOSCIENCE AMERICA, INC.,
Petitioner,

v.

INFINEON TECHNOLOGIES AMERICAS CORP.,
Patent Owner.

IPR2025-00175
Patent 8,686,562 B2

Before JOHN A. SQUIRES, *Under Secretary of Commerce for Intellectual
Property and Director of the United States Patent and Trademark Office.*

ORDER

Innoscence America, Inc. (“Petitioner”) filed a request for Director Review of the Final Written Decision (“Decision,” Paper 30) in the above-captioned *inter partes* review (“IPR”), and Infineon Technologies Americas Corp. (“Patent Owner”) filed an authorized response to the request. *See* Papers 31 (“Request”), 32.

Petitioner argues that the Board’s Decision: (1) construes the claim term “electrode stack” erroneously and in a manner that violates the Administrative Procedure Act, and (2) applies its erroneous construction to incorrectly determine that neither Yu¹ nor Usui² discloses the recited “electrode stack.” Request 8–15. Regarding the term “electrode stack,” Petitioner contends that neither party advocated for the Board’s construction, which allegedly excludes an insulated gate electrode embodiment recited in the challenged claims. *Id.* at 8–10. According to Petitioner, it sufficiently showed that Yu teaches an insulated gate electrode having a similar structure thereto. *Id.* at 10–12. With respect to Usui, Petitioner contends that “Usui’s interconnect is an ‘electrode stack,’ even under the Board’s construction.” *Id.* at 13–14. Specifically, in addition to alleging error in the Board’s weighing of the parties’ expert testimonies as to this issue, Petitioner argues that Patent Owner’s expert admitted that Usui’s interconnect is an “electrode stack” as the Board construed the term. *Id.* at 14.

Patent Owner responds that the Board merely adopted “a simplified version” of Petitioner’s own proposed construction for the term “electrode

¹ US 2010/0052066 A1, published Mar. 4, 2010 (Ex. 1005).

² US 5,943,601, issued Aug. 24, 1999 (Ex. 1004).

stack.” Paper 32, 3–6, 14–15. Patent Owner further contends that it demonstrated—and the Board properly found—that Petitioner had not met its burden with respect to the Yu-based grounds and the Usui-based grounds. *Id.* at 6–15.

Having considered the request and response, the Decision warrants further review by a Delegated Rehearing Panel (“DRP”). Accordingly, Director Review is delegated to a DRP to review the Decision and determine whether the Board misapprehended or overlooked any issues, including: (1) the appropriate construction for the claim term “electrode stack”; and (2) whether Yu teaches and/or Usui discloses an “electrode stack” under its appropriate construction.

Absent good cause, the DRP shall issue a decision within 60 days of this Order.

Accordingly, it is:

ORDERED that the request for Director Review is delegated to a DRP.

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