

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

ELONG INTERNATIONAL USA INC. and
XIAMEN LONGSTAR LIGHTING CO., LTD,
Petitioners,

v.

FEIT ELECTRIC COMPANY, INC.,
Patent Owner.

IPR2025-00258
Patent 8,604,678 B2

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

DECISION
Granting Patent Owner's Request for Discretionary Denial
and Denying Institution of *Inter Partes* Review

Feit Electric Company, Inc. (“Patent Owner”) filed a request for discretionary denial (Paper 13, “DD Req.”) in the above-captioned case, and Elong International USA Inc. and Xiamen Longstar Lighting Co. Ltd (collectively, “Petitioners”) filed an opposition (Paper 14, “DD Opp.”). With authorization, Patent Owner filed a Reply (Paper 15).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

Petitioners filed the Petition and an accompanying motion for joinder to IPR2024-01357, a proceeding that the Board instituted on March 5, 2025. *See Savant Techs. v. Feit Elec. Co., Inc.*, IPR2024-01357, Paper 17 at 32 (PTAB Mar. 5, 2025). The Board first determines whether to institute a proceeding before considering a motion for joinder. 35 U.S.C. § 315(c). Accordingly, discretionary considerations are first reviewed for the Petition on its own, and then reviewed if joinder were to be granted.

First, the projected final written decision due date in this Board proceeding is July 24, 2026. DD Req. 4. The district court’s scheduled trial date is January 20, 2026. *Id.* at 3. As such, absent joinder, it is unlikely that a final written decision will issue before the district court trial occurs. Furthermore, there has been meaningful investment by the parties in the district court proceeding, for example, a *Markman* hearing was scheduled for May 15, 2025, and fact discovery is scheduled to close soon. DD Req. 3–4. Additionally, there is insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial. *Id.* at 4. These considerations favor discretionary denial.

Second, review of the facts as if joinder were to be granted also favors discretionary denial. The projected final written decision due date for IPR2024-01357, the proceeding that Petitioners seek to join, is March 5, 2026. DD Opp. 2. Therefore, even if joinder were granted, it is unlikely that a final written decision will issue before Petitioners' district court trial occurs.

Petitioners argue that the Petition is identical to the petition in IPR2024-01357 and joining that proceeding will not impose additional burdens on the Board, and stipulate "they will not assert invalidity positions based on the same prior art in the district court" should they be joined. DD Opp. 5, 10. However, if the petitioner in IPR2024-01357 settles or is otherwise no longer involved in that proceeding, the Office would have to maintain a proceeding that it would not have instituted with respect to the Petitioners here, even if they would have filed their Petition at the same time as the petitioner in IPR2024-01357. Petitioners also have not identified any other benefits that outweigh the other discretionary considerations. Accordingly, discretionary denial of the Petition is appropriate.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

ORDERED that Patent Owner's request for discretionary denial is *granted*; and

FURTHER ORDERED that the Petition is *denied*, and no trial is instituted.

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