

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

SAVANT TECHNOLOGIES LLC d/b/a GE LIGHTING,
ELONG INTERNATIONAL USA INC., and
XIAMEN LONGSTAR LIGHTING CO. LTD.,
Petitioner,

v.

FEIT ELECTRIC COMPANY, INC.,
Patent Owner.

IPR2025-00260
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
Denying Patent Owner's Request for Discretionary Denial

Feit Electric Company, Inc. (“Patent Owner”) filed a request for discretionary denial (Paper 13, “DD Req.”) in the above-captioned case, and Savant Technologies LLC d/b/a GE Lighting (“Savant”), Elong International USA Inc. (“Elong”), and Xiamen Longstar Lighting Co. Ltd (“Xiamen”) (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 not appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the facts in this proceeding do not demonstrate that the Petition raises concerns of the “potential for abuse of the review process by repeated attacks on patents” under *Gen. Plastic Indus. Co. v. Cannon Kabushiki Kaisha*, IPR2016-01357, Paper 19 at 17 (PTAB Sept. 6, 2017) (precedential as to § II.B.4.i). Patent Owner filed separate district court actions against Savant, Elong, and LEDVANCE, LLC (“LEDVANCE”) asserting U.S. Patent No. 8,604,678 B2 (“the ’678 patent”). DD Req. 3. Savant and LEDVANCE filed a petition in IPR2024-01357 challenging claims 1–3, 6, 7, 9, 10, 16–21, 25, 26, and 29 of the ’678 patent on August 26, 2024. *See Savant Techs. v. Feit Elec. Co., Inc.*, IPR2024-01357, Paper 1 (PTAB Mar. 5, 2025). Subsequently, on September 20, 2024, Patent Owner additionally asserted claims 11 and 12 of the ’678 patent against Savant. DD Opp. 4. In response, on December 9, 2024, Savant, Elong, and Xiamen filed this Petition challenging claims 11–14 of the ’678 patent. *Id.*

On March 5, 2025, the Board instituted trial in IPR2024-01357. *Savant Techs. v. Feit Elec. Co., Inc.*, IPR2024-01357, Paper 17 at 32 (PTAB

Mar. 5, 2025). Thereafter, Savant and LEDVANCE moved to stay their respective district court proceedings, and those motions were granted. DD Opp. 5.

Although Savant and LEDVANCE were aware of the prior art asserted in the Petition at the time they filed the petition in IPR2024-01357, and the scope of the challenges, particularly as to independent claim 1, are substantially the same as in IPR2024-01357, Petitioners persuasively explain that Patent Owner's subsequent assertion of claims 11 and 12 of the '678 patent—in district court after Savant and LEDVANCE challenged a different set of claims of the '678 patent—necessitated the filing of this Petition. Petitioners acted diligently in filing this Petition less than three months after Patent Owner asserted claims 11 and 12 in district court. Importantly, the district court proceeding against Savant is stayed. Accordingly, discretionary denial is not appropriate, and the case is referred to the Board. Absent extraordinary circumstances, the Board shall consolidate this proceeding with IPR2024-01357.

Although certain arguments are highlighted above, the determination not to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is referred to the Board to handle the case in the normal course, including by issuing a decision on institution addressing the merits and other non-discretionary considerations, as appropriate.

In consideration of the foregoing, it is:

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

FURTHER ORDERED that the Petition is referred to the Board; and

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FURTHER ORDERED that neither party shall file a request for rehearing or Director Review of this decision until the Board issues a decision on institution.

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