

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ENTEGRIS, INC.
Petitioner

v.

INPRIA CORP.
Patent Owner

Case No. IPR2025-00267
Patent 11,673,903

**PETITIONER'S SUPPLEMENTAL BRIEF ON
DISCRETIONARY DENIAL**

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PETITIONER’S EXHIBIT LIST

Ex[No.]¹	Description of Documents
1001	U.S. Patent No. 11,673,903 (“’903 Patent”)
1002	Declaration of Dr. Gerard Parkin (“Parkin Decl.”)
1003	Declaration of Dr. Drew Hood (“Hood Decl.”)
1004	Prosecution File History for the ’903 Patent (“’903 Patent File History”)
1005	“Synthesis of The First Mono-t-Butyltin Element Compounds,” by D. Hänssgen et al. (“Hänssgen”)
1006	U.S. Patent Application No. 2016/0116839, entitled “Organometallic Solution Based High Resolution Patterning Compositions and Corresponding Method,” to Meyers et al. (“Meyers”)
1007	U.S. Patent Application No. 2011/0166268, entitled “High Purity Monoalkyltin Compounds and Uses Thereof,” to Deelman et al. (“Deelman”)
1008	Declaration of Sylvia D. Hall-Ellis, Ph.D. (“Hall-Ellis Decl.”)
1009	“Amino-derivatives of Metals and Metalloids. Part I. Preparation of Aminostannanes, Stannylamines, and Stannazanes,” by K. Jones and M.F. Lappert (“Jones”)
1010	U.S. Patent No. 11,697,660.
1011	Excerpt of Prosecution File History for U.S. Patent No. 11,697,660.
1012	<i>Inpria Corp. v. Lam Rsch. Corp.</i> , Case No. 1:22-cv-01359, Dkt. 199 (D. Del. Oct. 18, 2024) (Joint Claim Construction Brief)

¹ Citations to issued patents are made by column and line number. Citations to patent application publications are made by paragraph number. Citations to the remaining exhibits are to the page number added by the exhibit label.

Ex[No.] ¹	Description of Documents
1013	U.S. Patent Application No. 2022/0242888.
1014	U.S. Patent No. 6,517,901.
1015	Caseri, Walter (2014). “Initial Organotin Chemistry.” Journal of Organometallic Chemistry. 751: 20–24.
1016	K. Jones and M.F.& Lappert. “Amino Derivatives of Metals and Metalloids.” Journal of Organometallic Chemistry, Vol. 3, pp. 295-307 (1965).
1017	Clark Shove Robinson, “The Elements of Fractional Distillation,” 1st Ed., McGraw-Hill (1992).
1018	U.S. Patent No. 10,642,153.
1019	Procedures for Synthesis of $i\text{PrSn}(\text{NMe}_2)_3$ developed by Dr. Parkin.
1020	Procedures for Synthesis of $t\text{BuSn}(\text{NEt}_2)_3$ developed by Dr. Parkin.
1021	M. Froneman, T. Modro and S. Vather, “Dialkylamidoderivatives of Sn(II) and Sn(IV) in Phosphorus Chemistry”.
1022	U.S. Patent Application Publication No. 2022/0064192 A1.
1023	<i>Inpria Corp. v. Lam Rsch. Corp.</i> , No. 1:22-cv-01359, Dkt. 499 (D. Del. Apr. 24, 2025) (Inpria’s Opening Brief ISO Motion for Preliminary Injunction)
1024	<i>Inpria Corp. v. Lam Rsch. Corp.</i> , No. 1:22-cv-01359, Dkt. 172 (D. Del. Sept. 10, 2024) (Second Amended Complaint)
1025	<i>Inpria Corp. v. Lam Rsch. Corp.</i> , No. 1:22-cv-01359, Dkt. 452 (D. Del. Apr. 16, 2025) (Lam’s Motion to Dismiss)
1026	<i>Inpria Corp. v. Lam Rsch. Corp.</i> , No. 1:22-cv-01359, Dkt. 508 (D. Del. Apr. 28, 2025) (Order Amending Case Schedule)
1027	<i>Inpria Corp. v. Lam Rsch. Corp.</i> , No. 1:22-cv-01359, Dkt. 522 (D. Del. May 6, 2025) (Order re: Case Narrowing)
1028	June 23, 2025 Email Correspondence between counsel for Inpria and counsel for Lam regarding “Inpria v. Lam – Asserted Claims.”
1029	<i>Inpria Corp. v. Lam Rsch. Corp.</i> , No. 1:22-cv-01359, Dkt. 635 (D. Del. Sept. 15, 2025) (Dismissal)

I. INTRODUCTION

Petitioner Entegris, Inc. submits this authorized supplemental brief to address significant developments since the Director’s denial. The only articulated rationale for the denial—a parallel district court proceeding involving the ’903 Patent between Patent Owner Inpria Corp. and third-party Lam Research Corp.—no longer exists. *See* Paper 12. Those parties have now settled and dismissed that litigation. That leaves this IPR proceeding as the only pending matter in which the important validity questions presented in the Petition are ripe for resolution.

Several additional circumstances here support institution. The ’903 Patent was only recently issued in June 2023, so no settled expectations exist. And Entegris, although not previously sued and not a party to the settlement, is a manufacturer and supplier of chemistries that were threatened by Inpria in the earlier litigation and, as such, has important unresolved interests in the validity of the patent-at-issue. The Office has encouraged early challenges to recently issued patents to correct any errors in patent scope and thereby ensure the proper functioning of the patent system. Denying institution under the facts at issue here would contravene that policy and would frustrate the public interest in an efficient and early resolution of questions of proper patent scope. *See Cuozzo Speed Techs., LLC v. Lee*, 579 U.S. 261, 279-80 (2016) (“[I]nter partes review helps protect the public’s paramount interest in seeing that patent monopolies ... are kept within their legitimate scope.”) (cleaned up).

Inter partes review is also an appropriate use of Office resources here to correct a material error during prosecution that infected the allowance of the '903 Patent. In particular, the Examiner was misled by Inpria's declarations (based on flawed experimental methods) that misrepresented the prior art's teachings, which the Petition demonstrated by submitting properly conducted experiments and supporting evidence. Pet. 14-17, 26-27. *Inter partes* review is a proper vehicle to address such errors. *See Azurity Pharms., Inc. v. Helsinn Healthcare S.A.*, IPR2025-00945, Paper 11 at 3 (Director Sept. 19, 2025) (finding that a proceeding where the petition identified misleading declarations is "an appropriate use of Office resources ... to determine whether or not the Office made a material error"). Indeed, as these fact issues are technical in nature, the PTAB is the ideal forum to hear and resolve them.

Moreover, the Board has a strong institutional interest in correcting errors in patent allowance caused by misleading prosecution submissions and in determining whether remedial action or further guidance is warranted to prevent similar future errors. There is also a public interest in having patentability reviewed in an *inter partes* proceeding, rather than solely via *ex parte* prosecution, where, as here, allowance was based on extrinsic factual submissions from an interested party, rather than textual disclosures of the prior art. *See Person v. Ohio*, 488 U.S. 75, 84 (1988) ("truth—as well as fairness—is best discovered by powerful statements on both

sides of the question”) (cleaned up). Because the Examiner was not in position to re-run the applicant’s experiments, the Office was left to rely only on applicant’s submissions, which were biased in favor of patentability. In cases like this, the public interest and truth is best served by an adversarial *inter partes* proceeding.

II. THE LACK OF PARALLEL LITIGATION WEIGHS IN FAVOR OF INSTITUTING THIS PROCEEDING

The Director’s denial of institution relied on the parallel proceeding involving the ’903 Patent between Inpria and Lam. Paper 12 at 2. But that proceeding is now dismissed, so the Director’s only articulated basis for denying institution no longer applies. Ex. 1029. There is no other pending parallel proceeding where the important questions presented in the Petition can be decided.

This lack of parallel litigation weighs in favor of referring the Petition to the Board to ensure the quick and efficient resolution of the parties’ dispute, as the Director has routinely held. *See, e.g., Arm Ltd. v. Daedalus Prime, LLC*, IPR2025-00207, Paper 14 at 2-3 (Director Aug. 6, 2025) (“Now that the litigation has been dismissed, the balance of factors weighs in favor of referral.”); *Azurity Pharms.*, IPR2025-00945, Paper 11 at 2 (referring petition where “the parties are not currently engaged in a parallel proceeding”). Without a parallel proceeding, there is “no concern of inconsistent outcomes or significant duplication of efforts resulting from two proceedings operating in parallel.” *Intas Pharms. Ltd. v. Atossa Therapeutics, Inc.*, IPR2025-00799, Paper 12 at 2-3 (Director Aug. 29, 2025); *see also Suzhou*

Mojawa Intell. Elec. Co. v. Shenzhen Shokz Co., IPR2025-00842, Paper 14 at 2 (Director Sept. 19, 2025) (same for stayed district court litigation).

III. *INTER PARTES* REVIEW IS AN APPROPRIATE USE OF BOARD RESOURCES TO CORRECT A MATERIAL ERROR

The Office has a strong, institutional interest in correcting outcomes where the record demonstrates material error in earlier allowance decisions. As Entegris's submissions established, the '903 Patent claims were allowed based on Inpria's declarations that misrepresented the teachings of the prior art² by relying on incorrect experimental results. Pet. 14-17; EX1002 ¶¶ 69, 77, 105-109; Paper 10 at 19-26. Specifically, Inpria's declaration statements either (a) lacked sufficient detail to allow a POSITA to assess the appropriateness of the reaction conditions (as in the 2021 declaration relating to the Hänssgen prior art), or (b) plainly adopted reaction conditions that were contrary to the knowledge of a POSITA and the reference itself (as in the 2022 and 2023 declarations relating to the Deelman prior art). *Id.*

Because the Examiner was not able to re-run the applicant's experiments to test the results and correct the errors, the Petitioner undertook that task. The Petition submits proper experiments, conducted by an expert in the field, that recreated the experiments purportedly addressed in Inpria's declarations—this time with the

² Inpria's Sept. 19, 2025 email to the Board re-argues that the art was previously considered. Entegris has thoroughly explained that the Petition presents new grounds that were not considered during prosecution. *See* Paper 10 at 26-33.

correct conditions specified in the prior art references or, otherwise, as properly understood by a POSITA. Those experiments yielded high-purity compositions within the claimed thresholds, directly refuting Inpria's assertions regarding validity and demonstrating that the claims of the '903 Patent are invalid.

Inpria's misleading declarations fall within the scope of a potential "material error" that warrants use of Office resources. *Azurity Pharms.*, IPR2025-00945, Paper 11 at 3. Indeed, in *Azurity Pharmaceuticals*, the Director was confronted with the same issue of misleading declarations submitted during examination. *See id.* at 2-3. There, the Examiner allowed the claims at issue based on the inventors' declaration stating that they received "unexpectedly superior results" over the prior art. *Id.* at 3. But after the petitioner argued that the declaration was misleading because the results were instead consistent with the prior art disclosures, the Director concluded it to be "an appropriate use of Office resources to review the Petitions to determine whether or not the Office made a material error." *Id.* The Director should similarly refer the Petition here to consider whether Inpria's misleading declarations during prosecution led to the Office's "material error" in allowing the '903 Patent.

For the above reasons, Entegris respectfully requests referral to the Board due to the changed circumstances.

Respectfully submitted,

September 29, 2025
Date

/ Eliot D. Williams /
Eliot D. Williams (Reg. No. 50,822)

CERTIFICATE OF COMPLIANCE

1. Pursuant to 37 C.F.R. §42.24(d), the undersigned certifies that the foregoing Petitioner's Response to Patent Owner's Discretionary Denial Brief is no more than 5 pages and therefore complies with the limitations set forth by the September 24, 2025 email authorizing Petitioner to file the present brief.

2. This Petition complies with the general format requirements of 37 C.F.R. § 42.6(a) and has been prepared using Microsoft® Word in 14-point Times New Roman.

Respectfully submitted,
BAKER BOTTS L.L.P.

September 29, 2025

Date

/ Eliot D. Williams /

Eliot D. Williams (Reg. No. 50,822)
LEAD COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. §§42.6(e) and 42.105, the undersigned certifies that on the 29th day September 2025, a complete and entire copy of the foregoing Petitioner's Supplemental Brief Regarding Discretionary Denial was served via email to Patent Owner at the following addresses:

PH-Entegris-Inpria-IPR@paulhastings.com

Respectfully submitted,
BAKER BOTTS L.L.P.

September 29, 2025

Date

/ Eliot D. Williams /

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LEAD COUNSEL FOR PETITIONER