

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

ENTEGRIS, INC.,
Petitioner,

v.

INPRIA CORP.,
Patent Owner.

IPR2025-00267
Patent 11,673,903 B2

Before COKE MORGAN STEWART,¹ *Deputy Under Secretary of
Commerce for Intellectual Property and Deputy Director of the United
States Patent and Trademark Office.*

ORDER
Granting Petitioner's Request for Rehearing

¹ Deputy Director Stewart issued the original decision in this proceeding, and, accordingly, issues this Order on rehearing.

Entegris, Inc. (“Petitioner”) filed a request for rehearing (Paper 13, “Reh’g Req.”) of the Decision granting Patent Owner’s request for discretionary denial and denying institution (Paper 12, “Decision”). With authorization, Petitioner filed a supplemental brief (Paper 14, “Supp. Brief”) to address changed circumstances during the rehearing pendency. Patent Owner filed an authorized opposition (Paper 15, “Reh’g Opp.”) to the Supplemental Brief, to which Petitioner filed an authorized Reply (Paper 17, “Pet. Reply”), followed by an authorized Patent Owner Sur-Reply (Paper 19, “PO Sur-Reply”).

In the Decision, discretionary denial was appropriate based on a holistic assessment of the considerations, including a district court trial date scheduled prior to the projected final written decision due date. Decision 2. Petitioner filed a timely rehearing request. *See* Reh’g Req. While the rehearing request was pending, the district court dismissed the co-pending litigation due to settlement between the litigants. Supp. Brief 3–4. As a result, the challenged patent is no longer the subject of a parallel proceeding. Additionally, the challenged patent issued in 2023, and Patent Owner has not developed strong settled expectations that favor discretionary denial. *See id.*

Patent Owner argues that the district court “settlement and licensing agreement creates settled expectations favoring [Patent Owner] and introduces complex [real party in interest (“RPI”)] issues.” Reh’g Opp. 4. Petitioner responds that it “was not a party to the settlement” and “did not negotiate or have prior knowledge of the settlement.” Pet. Reply 1. Patent Owner does not provide evidence that Petitioner is a party to the settlement agreement. *See* Reh’g Opp.; PO Sur-Reply. Further, the Board routinely addresses complex RPI issues such as those raised by Patent Owner. Accordingly, Patent Owner’s arguments are not persuasive.

Therefore, after reconsidering 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.

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.

Absent good cause, the Board shall issue a decision on institution within 60 days of this decision.

In consideration of the foregoing, it is:

ORDERED that Petitioner's request for rehearing is *granted*;

FURTHER ORDERED that the Decision denying institution of *inter partes* review (Paper 12) is vacated;

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

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

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.

IPR2025-00267
Patent 11,673,903 B2

FOR PETITIONER:

Eliot Williams
Zhengmao Zhu
Amy Bergeron
BAKER BOTTS LLP
eliot.williams@bakerbotts.com
frank.zhu@bakerbotts.com
amy.bergeron@bakerbotts.com

FOR PATENT OWNER:

Naveen Modi
Eric Dittmann
Isaac Ashkenazi
Phillip Citroen
Daniel Zeilberger
Michael Wolfe
Paul Anderson
Maksim Mints
PAUL HASTINGS LLP
PH-Lam-Inpria-IPR@paulhastings.com
naveenmodi@paulhastings.com
ericdittmann@paulhastings.com
isaacashkenazi@paulhastings.com
phillipcitroen@paulhastings.com
danielzeilberger@paulhastings.com
michaelwolfe@paulhastings.com
paulanderson@paulhastings.com
maksimmints@paulhastings.com