



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 AUTHORIZED RESPONSE IN OPPOSITION TO
PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW OF
DECISION GRANTING INSTITUTION**

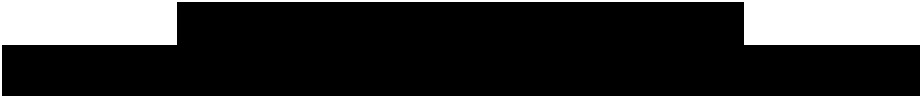


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<i>RØDE Microphones LLC v. Zaxcom, Inc.</i> , IPR2025-00231, Paper 33 (Aug. 21, 2025)	2, 6
<i>Spezzaferro v. F.A.A.</i> , 807 F.2d 169 (Fed. Cir. 1986)	11

OTHER AUTHORITIES

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PETITIONER'S EXHIBIT LIST

Ex[No.]	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)
1013	U.S. Patent Application No. 2022/0242888.
1014	U.S. Patent No. 6,517,901.

Ex[No.]	Description of Documents
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)
1030	Lam Research and JSR Corporation/Inpria Corporation Enter Cross-Licensing, Collaboration Agreement to Advance Semiconductor Manufacturing, available at https://investor.lamresearch.com/2025-09-15-Lam-Research-andJSR-Corporation-Inpria-Corporation-Enter-Cross-Licensing,-Collaboration-Agreement-to-Advance-SemiconductorManufacturing (last visited October 10, 2025)

PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	Case Docket for <i>Inpria Corp. v. Lam Research Corp.</i> , C.A. No. 22-01359-CJB (D. Del.)
2002	Order, <i>Inpria Corp. v. Lam Research Corp.</i> , C.A. No. 22-01359-CJB (D. Del.), D.I. 116 (May 3, 2024)
2003	Lam's Initial Invalidity Contentions, <i>Inpria Corp. v. Lam Research Corp.</i> , C.A. No. 22-01359-CJB (D. Del.) (May 13, 2024)
2004-2027	<i>Reserved</i>
2028	Lam-Entegris Strategic Collaboration Announcement, available at https://www.entegris.com/en/home/about-us/news/lam-research-entegris-gelest-team-team-up-to-advance-euv-dry-resist-technology-ecosystem-july-2022.html (last visited May 12, 2025), and https://www.prnewswire.com/news-releases/lam-research-entegris-gelest-team-up-to-advance-euv-dry-resist-technology-ecosystem-301584404.html (last visited May 12, 2025)
2029	Amended Complaint, <i>Inpria Corp. v. Lam Research Corp.</i> , C.A. No. 22-01359-CJB (D. Del.), D.I. 43 (Dec. 13, 2023)
2030	Lam's Answer, <i>Inpria Corp. v. Lam Research Corp.</i> , C.A. No. 22-01359-CJB (D. Del.), D.I. 52 (Jan. 12, 2024)
2031	Lam's Initial Invalidity Contentions, Ex. 13, <i>Inpria Corp. v. Lam Research Corp.</i> , C.A. No. 22-01359-CJB (D. Del.) (May 13, 2024)
2032	Lam's Final Invalidity Contentions, Ex. 903-A, <i>Inpria Corp. v. Lam Research Corp.</i> , C.A. No. 22-01359-CJB (D. Del.) (Feb. 20, 2025)
2033	Lam's Final Invalidity Contentions, Ex. 903-B, <i>Inpria Corp. v. Lam Research Corp.</i> , C.A. No. 22-01359-CJB (D. Del.) (Feb. 20, 2025)

2034	Lam’s Final Invalidity Contentions, Ex. 903-C, <i>Inpria Corp. v. Lam Research Corp.</i> , C.A. No. 22-01359-CJB (D. Del.) (Feb. 20, 2025)
2035	Lam’s Final Invalidity Contentions, Ex. 903-D, <i>Inpria Corp. v. Lam Research Corp.</i> , C.A. No. 22-01359-CJB (D. Del.) (Feb. 20, 2025)
2036	Lam’s Final Invalidity Contentions, Ex. 903-E, <i>Inpria Corp. v. Lam Research Corp.</i> , C.A. No. 22-01359-CJB (D. Del.) (Feb. 20, 2025)
2037	Lam’s Final Invalidity Contentions, Ex. 903-F, <i>Inpria Corp. v. Lam Research Corp.</i> , C.A. No. 22-01359-CJB (D. Del.) (Feb. 20, 2025)
2038	U.S. Patent No. 8,198,352
2039	May 9, 2025 email correspondence between counsel for Entegris and counsel for Inpria regarding Lam Common Interest
2040	JSR Corporation/Inpria Corporation and Lam Research Enter Cross Licensing and Collaboration Agreement to Advance Semiconductor Manufacturing, <i>available at</i> https://www.jsr.co.jp/jsr_e/news/2025/20250916.html (last visited October 2, 2025)
2041	Lam Research and JSR Corporation/Inpria Corporation Enter Cross-Licensing, Collaboration Agreement to Advance Semiconductor Manufacturing, <i>available at</i> https://investor.lamresearch.com/2025-09-15-Lam-Research-and-JSR-Corporation-Inpria-Corporation-Enter-Cross-Licensing,-Collaboration-Agreement-to-Advance-Semiconductor-Manufacturing (last visited October 2, 2025)

2042	PTAB de-designates SharkNinja Operating LLC v. iRobot Corp., available at https://www.uspto.gov/subscription-center/2025/ptab-de-designates-decision (last visited October 2, 2025)
2043	Entegris IDS Citing the '903 Patent Application US20190315781A1 (May 4, 2022)
2044	Oral Order regarding claim construction on term 5 in <i>Inpria Corp. v. Lam Research Corp.</i> , C.A. No. 22-01359-CJB (D. Del.) (Sept. 8, 2025)
2045	Transcript of Board Teleconference, dated December 3, 2025
2046	Document Bates Labelled ENTEGRIS.903IPR.000061-67 (Declaration of Dr. Joseph Rivers (Dec. 12, 2025))
2047	Document Bates Labelled ENTEGRIS.903IPR.000005-15 ()
2048	Document Bates Labelled ENTEGRIS.903IPR.000028-43 ()
2049	Document Bates Labelled ENTEGRIS.903IPR.000016-23 ()
2050	Document Bates Labelled ENTEGRIS.903IPR.000026-27 ()
2051	Document Bates Labelled ENTEGRIS.903IPR.000044-52 ()

[REDACTED]

2052	Document Bates Labelled ENTEGRIS.903IPR.000053-59 ([REDACTED] [REDACTED])
2053	Document Bates Labelled ENTEGRIS.903IPR.000060 ([REDACTED] [REDACTED])
2054	Document Bates Labelled ENTEGRIS.903IPR.000001-4 ([REDACTED] [REDACTED])
2055	Deposition Transcript of Dr. Joseph Rivers (January 9, 2026)

I. INTRODUCTION

Inpria has not shown that the Board misapprehended or overlooked any material issue of fact or law that would warrant Director Review of the Board’s Institution Decision (ID). Paper 33. Neither of Inpria’s two arguments has merit.

First, Inpria contends that Dr. Joseph Rivers—the Entegris senior manager who decided whether to file this IPR—lacks the requisite “personal knowledge” to testify to the foundational facts surrounding the Petition filing. Paper 38 at 3. That contention is wrong. The Board carefully considered and rejected Inpria’s position, devoting more than two pages of its ID to identifying the evidence supporting its conclusion that Dr. Rivers “was ‘the decision-maker,’” had “personal knowledge of the facts surrounding Petitioner’s decision to file the Petition...,” and was a credible witness. Paper 33 at 11. The Board expressly credited Dr. Rivers’s cross-examination testimony, noting that it “remained consistent” despite the inappropriate “repetitive nature of [PO’s cross-examination] questioning,” including when Inpria asked him “[for] the fourth time this same question” about the source of his knowledge. *Id.* at 10–11, n.7.

Even setting aside Dr. Rivers’s testimony, Inpria’s real party in interest (RPI) argument still fails. As an initial matter, the record contains no evidence—none—that Entegris coordinated with Lam in filing this IPR. Entegris’s timing is explained by ordinary, independent considerations:

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[REDACTED] before this patent issued, and Entegris filed before Lam’s §315(b) bar date to (i) mitigate discretionary-denial risk under *General Plastics* and (ii) foreclose any argument that an alleged privity¹ relationship would impute that bar date to Entegris.

In any event, the dispositive point is temporal: RPI/privity is determined as of institution, and it is undisputed that Lam lacked any interest at that time. “***The determination*** of whether a nonparty is a real party in interest or privy ***is made as of the date of institution*** of a proceeding....”² *RØDE Microphones LLC v. Zaxcom, Inc.*, IPR2025-00231, Paper 33 at 3 (Aug. 21, 2025); *see also Power Integrations, Inc. v. Semiconductor Components Indus.*, 926 F.3d 1306, 1314–15 (Fed. Cir. 2019). Here, by the time of institution, Lam had settled with Inpria and obtained a license EX1030. Although Inpria has withheld the underlying agreement (Paper 24 at 6), it has never disputed that the settlement and license eliminated any interest Lam could have had in this proceeding. Thus, Inpria has not and cannot overcome the presumption that Entegris properly named all RPIs as of the date of institution.

Second, Inpria contends that the Board erred by not addressing a claim construction issue that no party presented in this proceeding. That contention fails.

¹ “The notion of ‘privity’ is more expansive, encompassing parties that do not necessarily need to be identified in the petition as a ‘real party-in-interest.’” PTAB Trial Practice Guide, § I.D.1.

² All emphasis added unless otherwise noted.

[REDACTED]

Neither Inpria nor Entegris asked the Board to adopt that construction—or even to consider its purported effects—and the Board therefore did not misapprehend or overlook anything by declining to analyze an unbriefed theory at institution. If the issue is genuinely material, the proper and efficient course is to brief it during trial under the Board’s established procedures. Nor is there any inconsistency concern: Entegris was not a party to the Delaware action, and Inpria does not contend that the district court’s construction is correct or that it should apply here.

At bottom, the Board correctly decided the RPI issue and addressed the claim-construction positions advanced by the parties. Director Review is unwarranted.

II. BACKGROUND

[REDACTED]

[REDACTED]

[REDACTED] EX2053. The ’903 Patent issued about a year later. EX1001. Inpria asserted the ’903 Patent in its amended complaint against Lam in district court. *E.g.*, EX1024 ¶¶ 27, 45, 118. Entegris filed this IPR on December 12, 2024.

As Inpria concedes, Entegris was not a party to the Delaware action and has never been sued for infringement of the ’903 Patent. Paper 38 at 1, 11. Accordingly, Entegris has not advanced any claim construction position outside those set forth in the Petition. Moreover, Inpria repeatedly took the position—both in Delaware and before the Board—that no claim construction was necessary and that the plain and

[REDACTED]

ordinary meaning of the relevant terms should apply. For example, in the Inpria-Lam Joint Claim Construction Brief in Delaware, Inpria argued that “no construction is necessary” because the “ordinary and customary meaning” should apply. *Inpria v. Lam Research Corp.*, No. 1:22-cv-01359, Dkt. 199 at 1, 12, 22 (D. Del.). In its Preliminary Response here, Inpria likewise stated: “The Board need not construe any claim term because no construction is needed to resolve the parties’ dispute.” Paper 8 at 4. Entegris’s Petition noted this position. Paper 1 at 23.

In July 2025, the Acting Director exercised discretion to deny institution. Paper 12. After Lam and Inpria settled in September 2025, Entegris sought Director Review based on that settlement. Paper 14; EX1030. The parties then submitted two rounds of briefing addressing whether the discretionary denial should be reconsidered in light of the settlement. *See* Paper 15; Paper 19. Inpria did not argue in either round that the Delaware court’s claim construction ruling required denial here, or even that the ruling had any bearing on this proceeding.

On October 21, 2025, the Acting Director granted Director Review and directed the Board to consider institution on the merits. Paper 21. Thereafter, in November 2025, Inpria requested discovery related to whether Lam should have been identified as an RPI and requested authorization to file (but not brief the impact of) the district court’s claim construction order. EX3001 at 7-8. After a conference call with the Board (EX2045), the parties submitted additional email briefing

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regarding RPI discovery. EX3001 at 1-4. Although Entegris agreed to produce certain requested materials, Inpria refused to produce the only discovery requested by Entegris: the Settlement Agreement between Inpria and Lam.³ *Id.* Following the ordered discovery, the parties briefed the RPI issue. Paper 28; Paper 29. Again, Inpria did not argue that the Delaware claim construction ruling affected institution or the merits of this proceeding in any way. *See* Paper 28.

III. ARGUMENT

A. The Board Correctly Determined Lam Was Not A RPI

Despite Inpria itself introducing Dr. Rivers's declaration (EX2046) and cross-examination testimony (EX2055) into evidence and relying on that evidence in its RPI submission, *e.g.*, Paper 28 at 1 (relying on EX2046, EX2055), Inpria now argues that the Board should have disregarded Dr. Rivers's testimony and suggests that it was somehow inadmissible hearsay. To the contrary, the Board properly credited Dr. Rivers's testimony. Regardless, the Board's conclusion that Lam is not an RPI is correct and is supported by other record evidence that Inpria's request ignores.

1. The RPI dispute is resolved by Lam's settlement with Inpria

Inpria overlooks a critical and dispositive fact on the RPI dispute, which itself

³ Inpria's argument that Entegris was "withholding relevant evidence" is disingenuous. Paper 38 at 2. Entegris did not "withhold" the agreements, they were not only produced but Inpria itself filed and relied upon the produced documents as Exhibits in this IPR. *See, e.g.* Paper 28, EX2047-EX2048.

[REDACTED]

provides an independent reason to deny Inpria’s request for Director Review—that Inpria and Lam entered into a settlement before institution of this proceeding without involving (or even informing) Entegris.

“The determination of whether a nonparty is a real party in interest or privy is made *as of the date of institution* of a proceeding... .” *RØDE Microphones LLC.*, IPR2025-00231, Paper 33 at 3; *Power Integrations, Inc.*, 926 F.3d at 1314-15. Months before institution was granted, Lam and Inpria had settled the district court case through a cross-license and collaboration agreement without involving (or even informing) Entegris. EX1030. Entegris’s lack of involvement in the settlement and Lam and Inpria’s cooperation at the time of institution confirm that the Board correctly decided that Lam was not an RPI—regardless of Dr. Rivers’s testimony. Indeed, the Board expressly noted that it “agree[d] with Petitioner that Patent Owner’s and Lam’s settlement of the Delaware lawsuit without the inclusion of Petitioner further demonstrates” that Entegris had an independent interest in this proceeding and thus was not acting at Lam’s behest. Paper 33 at 16-17.

Moreover, the settlement proves that Entegris has no exclusive partnership with Lam, who is now working *with Inpria* to integrate “Inpria’s patterning resists and films with Lam’s etch and dry resist deposition technologies” as well as conduct “research and development related to metal oxide resists,” and to “new precursor materials” which is in the same field as Entegris. *See* EX1030 (Inpria-Lam

[REDACTED]

collaboration announcement); EX1024 ¶¶37, 45; EX2053 ([REDACTED]
[REDACTED]). The Board noted that these facts “would only strengthen the case in favor of Petitioner’s position on this factual [RPI] dispute.” Paper 33 at 17.

Notably, too, this dispute over whether Lam (an American company) should have been named as an RPI in this proceeding between Entegris (an American company) and Inpria (another American company) does not invoke the concerns regarding exploitation of the IPR process by foreign state-backed actors or national security interests noted in the Director’s October 28, 2025 Memorandum. *See* EX1030 (noting Lam is based in California); *Inpria v. Lam Research Corp.*, No. 1:22-cv-01359, Dkt. 1 at 1 (D. Del.) (Inpria is a Delaware corporation, now owned by a Japanese company). For this additional reason, the Board’s decision does not implicate the Director’s RPI concerns and does not warrant Director Review.

2. The Board properly found Dr. Rivers had personal knowledge.

Inpria itself put Dr. Rivers’s declaration and cross-examination testimony into evidence, but now complains that his statements were somehow too “sweeping” for the Board to credit. Paper 38 at 3. Putting aside the procedural impropriety of complaining about the Board relying on evidence that Inpria introduced, Inpria is wrong on the merits. Inpria takes issue with a *single statement* in Dr. Rivers’s declaration, which “asserts ‘Entegris prepared and filed this IPR with no

[REDACTED]

participation by Lam.’ EX2046 at ¶ 3.” *Id.* at 4. But as pointed out by the Board, “Dr. Rivers testified extensively as to the source of his knowledge regarding Lam’s lack of involvement in deciding when to file the Petition.” Paper 33 at 10-11 (citing EX2055 at 52:18-53:21, 68:2-14, 73:16-75:2, 75:9-22, 93:8-95:1, 96:8-19, 97:17-21). Indeed, as also noted by the Board, “Dr. Rivers’s testimony remained consistent” notwithstanding Inpria’s improper, repeated questioning about the statement in Paragraph 3 of his declaration. *Id.* at 11 n.7.

Inpria’s argument is based on the (at best) misleading assertion that Dr. Rivers “conceded that he ‘was not involved in the preparation of [this] IPR.’” Paper 38 at 4. What Dr. Rivers actually said was that, because he was a businessperson and not a lawyer, he was “not involved in *drafting* the IPR.” EX2055 50:2-8. But, he clearly and repeatedly explained his extensive involvement in the preparation of, and decision to file, the IPR, including answering Inpria’s questions like: “***Q. Were you involved in the decision to file the IPR? A. Yes***” (EX2055, 93:8-12); “Q. Other than you, who was involved in the decision to file the IPR?” A: “Yeah. ***The decision to file the IPR would come from me*** and my management” (93:11-18); “***Q. So you are the decision-maker... A. Yes***” (96:5-19). *See also id.* at 12:17-19; 94:21-95:1; 96:10-12. Inpria also mischaracterizes Dr. Rivers’s testimony regarding his understanding of communications with Lam; Dr. Rivers testified that, while he was not personally involved in discussions with outside counsel, he understood that ***both***

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outside counsel and in-house counsel have represented that there were no discussions with Lam prior to filing the petition. EX2055 at 54:10-21; 73:16-75:2.

Regardless, the single statement challenged by Inpria is just one piece of evidence underlying the Board’s finding that “the preponderance of the evidence supports a finding that Lam did not fund, control, or have the ability to control the present proceeding.” Paper 33 at 1-12. The Board noted that Inpria (a) *did not dispute* Dr. Rivers’s testimony that Lam “has not controlled and does not control Entegris in any aspect of this IPR” and “has not funded any aspect of this IPR” and (b) did not “argue in any fashion that Lam controls or funds the present proceeding.” *Id.* at 12 (citing EX2046, ¶¶ 4-5; EX2055 at 92:18-93:7; Paper 28 at 1-5).

Inpria fails to explain why discrediting this single statement in Dr. Rivers’s declaration would have any impact on the Board’s conclusion in view of these findings. The Board’s fact-intensive RPI ruling plainly does not rest on a single statement in Dr. Rivers’s declaration (or even on his declaration alone). *See id.* at 9-20. Instead, the Board considered the totality of the evidence, including the agreements between Entegris and Lam and all of the relevant provisions therein, Dr. Rivers’s cross-examination testimony, the timing of the filing, the lack of evidence of communications between Entegris and Lam, and the undisputed evidence that Petitioner had its own independent reasons to invalidate the patent and came to the correct conclusion—Lam is not a RPI in this proceeding. *See id.*

3. Dr. Rivers’s declaration is not hearsay and does not implicate privilege.

Inpria’s arguments regarding hearsay and privilege are untimely and have been waived. Inpria asserts that it previously addressed “the hearsay and privilege problems” before the Board, *see* Paper 38 at 6, but Inpria’s brief to the Board included only a single sentence referring to “hearsay” or “privilege”: “His declaration relies on inadmissible hearsay from ‘confirming with [his] team’ or conversations with counsel that Entegris actively cloaked with privilege.” Paper 28 at 5. Inpria did not include any of the hearsay and sword-shield arguments it makes for the first time on rehearing. These untimely arguments are waived. *See* USPTO “Director Review Process,” www.uspto.gov/patents/ptab/decisions/director-review-process (“The Director will not consider new evidence or new arguments not part of the official record.”); *Netflix, Inc. v. DivX, LLC*, 84 F.4th 1371, 1377 (Fed. Cir. 2023) (PTAB should “not have to decode a [filing] to locate additional arguments beyond the ones clearly made.”).

Inpria’s arguments as to Dr. Rivers’s declaration also fail for several other reasons. *First*, the declaration includes no hearsay at all. It makes purely factual statements about Lam’s non-relationship to this IPR. “[W]ithout exception, the Board accepts the filing of sworn witness declarations *in lieu of live testimony* in administrative patent trials.” *Intel Corp. v. VLSI Tech. LLC*, No. IPR2021-01064,

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2023 WL 5033924, at *17 (May 12, 2023); *Duchateau v. Scharenberg*, Interference No. 106,052 (DK), 2018 WL 4181575, at *13 (Aug. 30, 2018) (“declarations...made by each witness during the interference proceeding” not hearsay where “each witness was subject to cross-examination”). What Inpria seems to be objecting to is whether Dr. Rivers relied on information he received from others when making those statements—an issue explored at length on cross-examination and which the Board already analyzed in detail, as discussed above. *See supra* § III.A.2; *Intel Corp.*, 2023 WL 5033924, at *17 (“Dr. Jacob’s cross-examination...address[es] Patent Owner’s hearsay concern.”).

Notably, Inpria’s argument does not rely on any decisions from the Board, but exclusively on *Spezzaferro*, a decision from a different agency where an attorney declaration was excluded because it contained rumor and innuendo. *Spezzaferro v. F.A.A.*, 807 F.2d 169 (Fed. Cir. 1986). Those facts are not present here, and “[i]t has long been settled ... that hearsay evidence may be used in Board proceedings.” *Raiszadeh v. Dep’t of Homeland Sec.*, No. 2023-2409, 2025 WL 3120342, at *2 (Fed. Cir. Nov. 7, 2025) (collecting cases). Thus, even if Dr. Rivers’s declaration was hearsay (and it is not), the Board may still consider it as evidence as it did here.

Finally, Inpria vaguely argues that Entegris used privilege as both a sword and a shield, but unlike the cases cited by Inpria, Inpria does not identify any instance in which privilege was “used to shield the underlying communications that would

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confirm the truth.” *See* Paper 38 at 5-6. Rather, as the Board recognized (Paper 33 at 11), Dr. Rivers confirmed during his deposition that he had spoken with in-house counsel, and in-house counsel had confirmed that Entegris and Lam had not communicated through in-house or outside counsel prior to filing the petition. EX2055 at 73:16-75:2. Moreover, outside counsel made such a representation on the record during the parties’ teleconference with the Board on December 3, 2025. EX2045 at 19:3-6; Paper 24 at 4 (Board noting counsel’s representation). Thus, Inpria’s arguments regarding outside counsel are irrelevant.

B. The Board Properly Considered The Claim Construction Positions Advanced By the Parties

1. Inpria did not timely raise any issue regarding claim construction, and its argument is waived.

Throughout this IPR, Entegris and Inpria have both only advocated one claim construction position for all terms: ordinary and customary meaning. The Petition explains that such construction was warranted because Inpria advanced that same position in the district court case against Lam. Paper 1 at 9 n.3, 23. On September 8, 2025, nine months after Entegris filed its Petition, the district court issued an order in that case, adopting Lam’s different proposed construction for a single term. EX2044. Inpria submitted this order to the Board without any explanation of its relevance. At no time did Inpria seek leave to submit supplemental briefing on claim construction or otherwise address any aspect of the court’s order—despite multiple

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additional rounds of briefing on the RPI issue.

Only now, in its Director Review request, did Inpria for the first time substantively address the district court's order and its purported relevance to the prior art. It is far too late to raise those new substantive positions. Inpria had the burden to propose any terms it believed necessary for construction, give Entegris an opportunity to respond, and provide an explanation of the district court's order. *See* PTAB Trial Practice Guide, § II.B.6 ("the prior claim construction determination should be submitted...along with explanations"); *id.* ("The patent owner may then...propose additional terms for construction, with corresponding statements identifying a proposed construction" and support, so that Petitioner can respond.). Inpria did not take *any* of those actions, despite having every opportunity to do so. Its new arguments are now waived. *See IOENGINE, LLC v. Ingenico Inc.*, 100 F.4th 1395, 1402 (Fed. Cir. 2024) ("IOENGINE forfeited its proposed claim construction by not presenting it to the board during IPR.").

2. The Board properly considered the positions before it.

The Board also did not err in its claim construction analysis. The Board properly noted that "[b]oth parties argue that no claim terms require express construction at this stage of the proceeding." Paper 33 at 22-23. That is a proper basis for the Board to decline to construe terms at institution. PTAB Trial Practice Guide, § II.B.6 (parties have burden to raise claim construction issues). Without any

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briefing regarding the issue from any party, the Board could not address it. *See Netflix*, 84 F.4th at 1377 (PTAB should “not have to decode a [filing]”).

Indeed, the memorandum Inpria relies on explains that the Board is required to provide a “more detailed explanation” only “*when* the same or substantially *the same* evidence and/or *arguments* that were previously presented to...the district court...*are being relied upon in the subsequent AIA trial proceeding.*” Paper 38 at 8-9. Here, the parties are *not* relying on the same arguments; Inpria took the opposite position in district court, which Entegris adopted for this proceeding.

Even now, Inpria has conspicuously not asserted that the Delaware claim construction should be applied in this IPR. If Inpria does not actually seek that construction, its entire request could be moot. In any event, Inpria does not explain why this issue cannot be briefed during trial. If Inpria ultimately wants to seek a new claim construction, it can do so during trial. Overturning the ID is not warranted.

3. Entegris did not advance inconsistent claim constructions.

Unlike in *Revvo* or *Sun*, this is not an instance where a petitioner proposed different constructions at district court and the Board. *See* Paper 38 at 10-11. Here, Entegris did not advance, and, indeed, *could not have advanced*, any claim construction in district court because it was not a party to Inpria’s district court case. *See supra* II; *see also* Paper 29. Thus, the Director’s concern—namely, “petitioners...seeking broader constructions at the Board...while seeking narrower

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constructions in litigation to avoid infringement liability”—is not present here. *See Revvo Techs., Inc. v. Cerebrum Sensor Techs.*, IPR2025-00632, Paper 20 at 4 (Director Nov. 3, 2025). Indeed, if any party has changed its position, it is Inpria, who now argues that the Board erred by failing to consider a construction that Inpria strenuously argued against.

Inpria certainly provides no support or rationale for its apparent proposal to broaden *Revvo* to limit Entegris to claim constructions advanced by a *third party* in district court. Paper 38 at 11. That requirement would be completely unworkable, for example, in scenarios where a plaintiff files concurrent lawsuits against multiple parties. Under Inpria’s logic, a petitioner advancing a broader position than any one of the third parties would have to explain why it differed from all third parties—even though those parties are outside petitioner’s control and even if petitioner itself had no inconsistency. Such a result would be inefficient and prejudicial.

IV. CONCLUSION

Entegris requests that the Director deny Inpria’s request for director review.

February 19, 2026
Date

Respectfully submitted,

/ Eliot D. Williams /
Eliot D. Williams (Reg. No. 50,822)
BAKER BOTTS L.L.P.
LEAD COUNSEL FOR PETITIONER

CERTIFICATE OF COMPLIANCE

1. Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that the foregoing Petitioner's in Opposition to Patent Owner's Request for Director Review of Decision Granting Institution complies with the type-volume or page limitations set forth in the Board's February 11, 2026 email authorizing a response.

2. This Brief 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.

February 19, 2026
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 February 19, 2026, a complete and entire copy of the foregoing Petitioner's Response in Opposition to Patent Owner's Request for Director Review of Decision Granting Institution was served via email to Patent Owner at the following address(es):

PH-Entegris-Inpria-IPR@paulhastings.com

Respectfully submitted,
BAKER BOTTS L.L.P.

February 19, 2026
Date

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