Director_Discretionary_Decision@uspto.gov
571-272-7822

Paper 13
Date: July 2, 2025

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

AJINOMOTO CO., INC.,
Petitioner,

v.

ABTIS CO., LTD.,
Patent Owner.

IPR2025-00283
Patent 11,896,675 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
Referring the Petition to the Board

AbTis Co., Ltd. ("Patent Owner") filed a request for discretionary denial (Paper 8, "DD Req.") in the above-captioned case, and Ajinomoto Co., Inc. ("Petitioner") filed an opposition (Paper 12, "DD Opp.").

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, Patent Owner and Petitioner are not engaged in a parallel litigation. Furthermore, the challenged patent issued on February 13, 2024, and Petitioner filed its Petition on December 24, 2024. DD Opp. 1, 26. Accordingly, Petitioner challenges the patent early in the life of the patent. Early challenges favor robust, predictable patent rights and weigh against discretionary denial. Additionally, Petitioner provides persuasive reasoning, supported by evidence, that discretionary denial under 35 U.S.C. § 325(d) is not appropriate. *See id.* at 5–22.

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

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.

FOR PETITIONER:

Stephen Maebius
Jason Mock
FOLEY & LARDNER LLP
smaebius@foley.com
jmock@foley.com

For PATENT OWNER:

Doug Robinson
Kisuk Lee
HARNESS, DICKEY & PIERCE, P.L.C.
drobinson@hdp.com
klee@hdp.com

Jason A. Engel
Anna Rebekah Hill
K&L GATES LLP
Jason.Engel.PTAB@klgates.com
Rebekah.hill@klgates.com