

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHENZHEN TUOZHU TECHNOLOGY CO., LTD.,

Petitioner

v.

STRATASYS, INC.

Patent Owner.

PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,562,324

Case No. IPR2025-00311

PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW

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I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.75, Patent Owner Stratasys, Inc. submits this Request for Director Review after the Final Written Decision (“FWD,” Paper 31) finding all challenged claims (1, 3-11, and 17-22) of U.S. Patent No. 8,562,324 (“the ‘324 Patent”) unpatentable.

First, Director Review is warranted to consider “the extent to which any products made ... by the patent owner that compete with the accused products are manufactured in the United States.”¹ IPR proceedings are inappropriate when Chinese companies (like Petitioner Bambu) do not manufacture 3D printers in the United States and do not invest in American manufacturing, yet use IPR to challenge patents of U.S. companies (like Stratasys) that make substantial investments to manufacture 3D printers in the United States. Nor should the IPR system encourage petitioners to wait to seek IPR until after litigation commences, despite prior knowledge of the patent owner’s portfolio. Similarly, petitioners should not be permitted to treat the PTAB as another forum to expand district court litigation, rather than as a true alternative. These issues warrant vacating the FWD and dismissing the Petition.

Second, Director Review is warranted to address a petitioner advancing one

¹ See J.A. Squires, “Additional Discretionary Institution Considerations — U.S. Manufacturing and Small Business Use of AIA Proceedings” (Mar. 11, 2026).

claim construction to the district court and a different claim construction before the PTAB. *See Magnolia Medical Tecs., Inc. v. Kurin, Inc.*, IPR2026-00097, Paper 17 at 6-7 (May 14, 2026) (precedential). Here, Petitioner sought (and received) claim constructions in district court, but did not present any terms for construction in its Petition. *See* 37 C.F.R. § 42.104(b)(3) (requiring petition to set forth “[h]ow the challenged claim is to be construed”). Petitioner did not provide any claim-construction briefing to the Board (or even inform the Board that it had sought constructions). Rather, Petitioner waited until long after institution to file a copy of the district court’s claim construction order as an exhibit with its updated exhibit list (Paper 27), but Petitioner did not identify the relevance of the exhibit to the Board. As a result of Petitioner’s actions, the Board failed to address the district court’s construction of “two-dimensional projection of the three-dimensional model” and Petitioner’s corresponding arguments to the court. Due to Petitioner’s approach, the Board did not address Petitioner’s proposed construction or the claim-construction order, apply the construction, or explain why it came to a different result than the district court. Under Petitioner’s construction proposed in district court, Petitioner has failed to show unpatentability.

Third, the FWD erroneously concluded that the claims are broad enough to permit sequential presentation of an image and a projection. In view of the prosecution history, however, the claims require the user interface to present the

image and projection at the same time (i.e., side-by-side / simultaneous). Paper 17 at 17-19. The Board reversibly erred when it concluded there was no prosecution disclaimer. Although the applicant indisputably narrowed the claims through its argument, the Board reasoned it was unclear which arguments the examiner actually adopted in allowing the claims. But, under Federal Circuit law, the examiner need not expressly identify arguments as a basis for allowability in order for those arguments to be given effect. Rather, it is sufficient to narrow a claim if the arguments are unambiguous and were made to distinguish prior art. The Board did not identify any ambiguity in what the applicant argued and thus erred in giving no effect to those narrowing arguments. Under the proper construction that requires same-time (i.e., side-by-side / simultaneous) presentation of an image and projection, the asserted prior art fails to render the claims obvious.

Patent Owner requests that the Director reverse the FWD and terminate the proceeding or remand to the Board.

II. ARGUMENT

A. Director Review Is in the Interests of Justice

The FWD should be vacated and the Petition should be dismissed on Director Review in the interests of justice.

1. Chinese Manufacturers Are Using IPR To Disadvantage American Manufacturers

The Director has observed that “companies associated with foreign

governments have been” filing petitions against patents owned by U.S. companies. *See Magnolia Medical Tecs., Inc. v. Kurin, Inc.*, IPR2026-00097, Paper 17 at 6-7 (May 14, 2026) (precedential); *see also* J.A. Squires, “Additional Discretionary Institution Considerations — U.S. Manufacturing and Small Business Use of AIA Proceedings” (Mar. 11, 2026). Petitioner here is such a foreign company associated with a foreign government.

In contrast, Stratasys is an American company. Stratasys is incorporated in Delaware and headquartered in Minnesota, and it manufactures three-dimensional printers in the United States. *See Stratasys, Inc. v. Shenzhen Tuo Zhu Technology Co., Ltd. et al.* (“Bambu”), No. 2:24-cv-00644-JRG, Dkt. 1, ¶1 (E.D. Tex. Aug. 8, 2024) (Complaint).² Founded in 1988, Stratasys is one of the pioneers in the field of three-dimensional (3D) printing.³ *Id.* ¶¶1, 14. According to United States House Majority Whip Tom Emmer, Stratasys has made substantial investments in manufacturing

² Stratasys cites to several filings in the parallel district court litigation and other publicly available sources. The “Office may take administrative notice” of “legal rulings and other documents filed publicly with another tribunal.” *Carbyne, Inc. v. Tritech Software Sys.*, IPR2025-00959, Paper 20 at 2 n.1 (Feb. 19, 2026) (Director Review Decision).

³<https://web.archive.org/web/20260605145555/https://www.startribune.com/ramstad-stratasys-new-hq-marks-a-milestone-and-sparks-a-memory/601844297>

facilities in Minnesota, “bringing hundreds of [] jobs.”⁴ For example, Stratasys manufactures the F3300 printer, which received the 2024 “Product of the Year” award from Industrial Production.⁵ As Petitioner knows, the F3300 printer is marked with the ’324 Patent.

By contrast, Petitioner began as a startup in 2020, launched its first product in 2022⁶, and with the assistance of subsidies⁷ from the Chinese government,⁸ has

⁴ <https://investors.stratasys.com/news-events/press-releases/detail/985/stratasys-celebrates-grand-opening-of-americas-headquarters>

⁵ <https://www.industrial-production.de/additive-manufacturing/industrial-production-products-of-the-year-2024-1st-place--additive-manufacturing-category-stratasys.htm>

⁶ <https://blog.bambulab.com/the-team-behind-bambu-lab-x1/>

⁷ *Stratasys v. Bambu*, No. 2:24-cv-00644-JRG, Dkt. 332 at 7 (E.D. Tex. Apr. 13, 2026) (Redaction to Bambu’s Omnibus Motions in Limine) (confirming receipt of “Nanshan District subsidy” from “Nanshan District government”).

⁸ Petitioner has failed to explain how the Chinese Communist Party is *not* an RPI, given that Petitioner is a Chinese company that has received subsidies from the Chinese government. See *Tianma Microelectronics Co. v. LG Display Co.*, IPR2025-01579, Paper 12 (Director Mar. 18, 2026) (precedential); see also *Affirming That All Chinese Companies, Private and State-Owned, Are Under the Effective Control of the Chinese Communist Party*, H. Res. 827, 116th Cong. (2020), available at <https://www.congress.gov/bill/116th-congress/house-resolution/827/text> (“Article 19 of China’s Company Law requires every company to establish a CCP cell and carry out CCP activities and to provide necessary conditions for CCP cell activities”).

become one of the largest three-dimensional printing companies in the world.⁹ Petitioner develops and manufactures its three-dimensional printers in China and operates a U.S. subsidiary that merely functions as an importer/reseller. *Stratasys v. Bambu*, No. 2:24-cv-00644-JRG, Dkt. 376 at ¶¶2-4, 7, 11 (E.D. Tex. May 20, 2026) (Defendants' Answer to First Amended Complaint) ("certain defendants are responsible for the research, development, and manufacturing of Bambu-branded products" and are organized in China); *Bambu v. Stratasys*, No. 2:25-cv-00465-JRG, Dkt. 1 at ¶5 (E.D. Tex. Dec. 9, 2024) (Bambu's declaratory judgment complaint) ("BambuLab USA is responsible for importing and selling the BambuLab line of products in the United States.").

Such a large foreign investment in additive manufacturing, an advanced technology field, has even drawn the attention of Congress. Pursuant to the 2026 National Defense Authorization Act, the U.S. military will soon be barred from purchasing Petitioner's Chinese-made 3D printers. *See* National Defense Authorization Act for Fiscal Year 2026, Pub. L. No. 119-60, 139 Stat. 718 (2025) ("2026 NDAA") § 849(a) ("Prohibition On Procurement Related To Certain Additive Manufacturing Machines") ("the Secretary of Defense may not enter into a contract for the procurement of a *covered additive manufacturing machine*"); *see*

⁹ <https://www.fabbaloo.com/news/rumored-investment-could-position-bambu-lab-as-worlds-largest-3d-printer-manufacturer>

also id. § 849(c)(3) (“‘covered additive manufacturing machine’ means an additive manufacturing machine *manufactured by a covered additive manufacturing company* ...”), § 849(c)(2) (“‘covered additive manufacturing company’ means any of the following: ... (B) Any entity that *produces or provides additive manufacturing machines* and— (i) is *domiciled in a covered nation*)”), § 849(c)(4) (“‘covered nation’ has the meaning given such term in *section 4872 of title 10, United States Code*”); 10 U.S.C. § 4872(f)(2) (“‘covered nation’ means— ... (B) the People’s Republic of China”).

IPR should not be provided as a tactical advantage to Chinese 3D printing manufacturers (like Petitioner Bambu) that receive subsidies from the Chinese government, invest in Chinese development and manufacturing of printers, and do not make American manufacturing investments. All the more so when the IPR petitions are being used to strategically disadvantage American manufacturers like Stratasys, which is recognized for making substantial investments to manufacture 3D printers in the U.S. since its founding in 1988.

2. Parties Should Not Be Encouraged To Delay Seeking IPR

IPR should not be used to benefit companies that know of the patent portfolios of competing companies and yet choose not to seek IPR until after litigation commences. The ’324 Patent issued in 2013. Petitioner has acknowledged that it had “awareness” of Stratasys’s “patent portfolio,” and yet it did not seek IPR of the ’324

Patent or any other Stratasys patents at the time. *Stratasys v. Bambu*, 2:24-cv-00644-JRG, Dkt. 332 at 9 (E.D. Tex. Apr. 13, 2026) (Redaction to Bambu's Omnibus Motions in Limine) (acknowledging "patent portfolio awareness"). Nonetheless, Petitioner waited until months after Patent Owner filed suit before filing for IPR. Compare Paper 1 (Petition) (filed Dec. 18, 2024) with *Stratasys v. Bambu*, No. 2:24-cv-00645-JRG, Dkt. 1 (E.D. Tex. Aug. 8, 2024) (Complaint).

Here, public policy and the integrity of the patent system should not encourage private litigants who bury their heads in the sand only to raise an IPR when it can be used as a tactical advantage in litigation.

3. The PTAB Should Serve As a True Alternative To Litigation

The purpose of an IPR proceeding is to provide a fast and efficient alternative to litigation, not another forum to expand litigation. *Magnolia*, IPR2026-00097, Paper 17 at 3-4. Rather than commit to the IPR process as a true "alternative" to litigation, Petitioner asserted over 35 combinations in its invalidity contentions in litigation. See EX2007 (Bambu's Invalidity and Ineligibility Contentions) at 33, 108-09¹⁰. And in its 35 U.S.C. § 282 notice, Bambu has listed nearly every IPR reference, including Kritchman, Hull, Anderson, Waehner, Mori, Seki, Mazumder, Tay ("Distributed Rapid Prototyping..."), Henke ("Rapid Prototyping Modules..."), and

¹⁰ Citation refers to original page numbers in document.

Lan (“Web-Based Rapid Prototyping...”). *See Stratasys v. Bambu*, 2:24-cv-00644-JRG, Dkt. 377 at 4, 6, 8, 11 (E.D. Tex. May 22, 2026) (Defendants’ Notice Pursuant to 35 U.S.C. § 282). This is a “tell-tale sign that the AIA review is not functioning as a litigation alternative.” *Magnolia*, IPR2026-00097, Paper 17 at 3.

B. The Board Did Not Apply the Correct Claim Constructions

The FWD should be reversed on account of two claim construction errors, which impact the invalidity analysis.

1. Petitioner Should Not be Allowed to Follow a “Wait and See” Approach to Claim Construction That Results in Inconsistent Claim Constructions

The FWD failed to consider the district court’s prior claim construction. Pursuant to 37 C.F.R. § 42.100(b) and the Interim Director’s Memorandum (Sept. 16, 2025),¹¹ prior claim constructions must be considered or the Board must “explain ... why a different outcome is warranted.” The Board failed to follow these requirements. The FWD does not even cite to the prior construction (*see* EX1033), nor does it address why a different construction may be warranted here.

This failure is the direct result of Petitioner’s misuse of the AIA review system and its “wait and see” approach to claim construction. *See Magnolia*, IPR2026-00097, Paper 17 at 4. Petitioner received infringement contentions in district court

¹¹https://www.uspto.gov/sites/default/files/documents/Memo_re_prior_findings_of_fact_and_conclusions_of_law_9_16_25.pdf

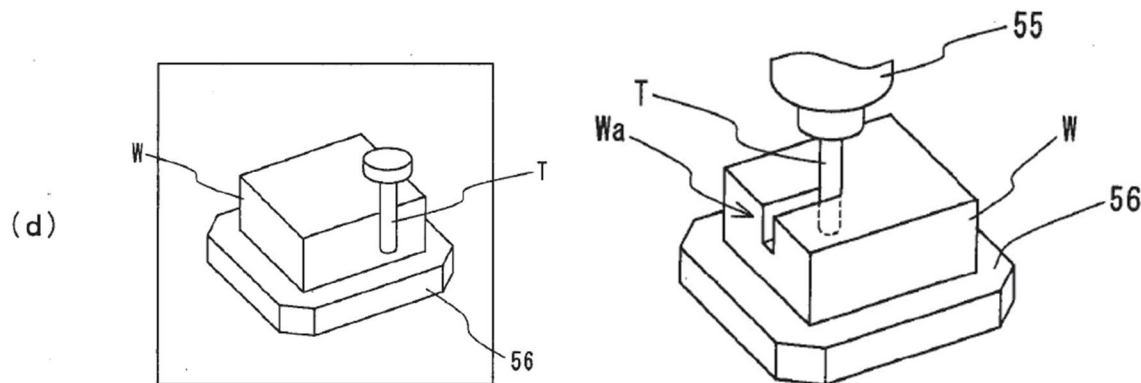
and then filed the Petition, asserting that no claim terms needed construction. Paper 1 (Petition) at 6. Yet after institution and after Patent Owner filed its Response (Paper 17), Petitioner then filed a claim construction brief in district court proposing “two-dimensional projection of the three-dimensional model” as a term needing construction. *Stratasys v. Bambu*, No. 2:24-cv-00644-JRG, Dkt. 105 at 5-6 (E.D. Tex. Sept. 10, 2025) (Defendants’ Claim Construction Brief). Thereafter, Petitioner filed its IPR Reply (Paper 21), but Petitioner did not even mention that it sought any claim constructions, let alone what those proposed constructions were or how the prior art satisfied those constructions.

Shortly before the hearing in this IPR, Petitioner filed the later-issued district court claim construction order as an exhibit. *See* EX1033 (“CC Order”). Petitioner did not address the order or explain the relevance of the order to the Board.

2. Petitioner’s Inconsistent Claim Constructions Are Material to Its Obviousness Analysis

Petitioner had argued that “two-dimensional projection of the three-dimensional model” should be construed to narrowly require “the *complete* three-dimensional model ... rather than a *partial* build.” EX1033 at 19 (emphasis added). The district court agreed with Petitioner’s “persuasive[] argu[ments]” and construed the term as a “two-dimensional image of the three-dimensional model or of an object to be fabricated therefrom.” *Id.* Petitioner never addressed this claim construction in any of its briefing before the Board.

Under the district court's construction advanced by Petitioner, Petitioner never showed how the Mori-Mazumder combination teaches a two-dimensional projection of the "complete" (and not "partial") three-dimensional model. The Petition asserts that the purported projection is "based on ... model data," but also admits that the purported projection represents an image at a certain point in time during manufacturing (i.e., a partially manufactured object). Pet. at 22-23 (purported projection represents an image "*at a certain time interval* by the virtual CCD cameras"). The Petition also relies on Figures 7 and 10 of Mori to show the purported projection, which is clearly of a partial (and not complete) model.



EX1005, Fig. 7d and Fig. 10 (cited in Pet. 23 and FWD 22). Because the Petition relied on Mori's images of *partial* models, the combination cannot satisfy the claims under Petitioner's district court construction requiring the *full* model. Thus, the FWD should be reversed and the IPR should be terminated on the merits.

3. The Board Erred in Applying The Wrong Claim-Construction Standard

The Board did address the claim construction issue raised by Patent Owner,

but it applied the wrong legal standard for prosecution disclaimer. FWD at 10-16; POR (Paper 17) at 12-18. Claims 1 and 19 of the '324 Patent recite a “user interface” that presents “an image of the build volume from the video camera and a two-dimensional projection of the three-dimensional model from the point of view of the video camera.” EX1001, 27:25-35, 28:41-46. Patent Owner submitted that the claims require a “user interface that presents both an image and projection from the same point of view at the same time” and pointed to the prosecution history in support. POR at 18.¹²

The FWD found that the claims permitted *sequential* presentation of an image and the projection, and that the claims were not limited to simultaneous or same-time presentation. This is reversible error. The Board did not apply applicant's arguments to narrow the claim interpretation, because the Board reasoned that the applicant made multiple arguments to distinguish the claims over the prior art. *See* FWD 14 (“applicant also distinguished Taminger on *bases other than side-by-side or simultaneous display*” which “proved persuasive: the examiner allowed the claims”), 15 (“other arguments distinguish Taminger”). But, the Board applied the

¹² Patent Owner has consistently argued in this IPR and in litigation that the claims require same-time display. It did not propose a construction in the litigation because doing so would not affect infringement or validity.

wrong legal standard by requiring same-time display¹³ to be the *sole* argument for securing allowance from the examiner.

Which prosecution argument ultimately led to allowance of a patent “does not render prior characterizations of claim scope insufficiently clear.” *Barrette Outdoor Living, Inc. v. Fortress Iron, LP*, 156 F.4th 1353, 1364 (Fed. Cir. 2025). That is, “the interested public has the right to rely on the inventor’s statements made during prosecution, without attempting to decipher whether the examiner relied on them, or how much weight they were given.” *Fenner Invs., Ltd. v. Celco P’ship*, 778 F.3d 1320, 1325 (Fed. Cir. 2015).

The Board did not find any ambiguity in applicant’s arguments of side-by-side or simultaneous display. *See* FWD 13-14. Indeed, the Board acknowledged that same-time display was “one of the three relevant statements the applicant made during examination.” FWD 15. But “the fact that an applicant secures allowance on an independent ground does not render prior characterizations of claim scope insufficiently clear for purposes of prosecution disclaimer.” *Barrette*, 156 F.4th at 1364. Like the applicant in *Barrette*, there is no evidence to suggest the examiner

¹³ The FWD does not distinguish between side-by-side, simultaneous, and same-time presentation. *See* FWD, 10-16. Nor does it distinguish between presentation and display of the image and projection. *See id.* Accordingly, this Director Request uses same-time display to refer to side-by-side, simultaneous, or same-time display or presentation of the image and projection in the user interface.

here disagreed with the applicant's argument of same-time display, much less that the applicant acquiesced to a "broader view" of the claims. *Id.* Thus, the Board erred in finding no disclaimer over the prior art under the proper legal standard.

Under the proper claim interpretation that requires same-time display, Patent Owner already addressed why the asserted grounds fail to show unpatentability. *See, e.g.,* POR 34-46. However, the Board did not address those arguments under the proper claim interpretation. *See* FWD 22-23. Thus, reversal and remand are warranted for the Board to consider whether Petitioner satisfied its burden to show unpatentability under the proper claim interpretation.

III. CONCLUSION

Director review is warranted. Several issues warrant vacating the Final Written Decision and dismissing the Petition, and several errors warrant reversal and termination of the proceeding or remand to the Board.

Respectfully submitted,

Dated: July 9, 2026

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e), the undersigned certifies that on July 9, 2026, a complete copy of the foregoing Patent Owner's Request for Director Review was served on Lead and Back-up Counsel for Petitioner at the service address provided in Petitioner's Mandatory Notices:

Email: IPR56224-0014IP1@fr.com

Dated: July 9, 2026

/s/ Brian W. Oaks

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