

IN UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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POSCO CO. LTD.,  
Petitioner,

v.

ARCELORMITTAL,  
Patent Owner.

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Case No. IPR2025-00370  
U.S. Patent No. 10,961,602

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**PATENT OWNER'S DISCRETIONARY DENIAL BRIEF**

Mail Stop **Patent Board**  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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*Patent Owner’s Discretionary Denial Brief*  
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## TABLE OF ABBREVIATIONS

| Abbreviation      | Term                                                                                                                                                       |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| '602 Patent       | U.S. Patent No. 10,961,602 (Ex-1001)                                                                                                                       |
| '683 Patent       | U.S. Patent No. 9,708,683                                                                                                                                  |
| '683 Patent IPR   | IPR2019-01275 (Ex-1031)                                                                                                                                    |
| Challenged Claims | Claims 1-30 of U.S. Patent No. 10,961,602                                                                                                                  |
| FD                | ITC Final Determination                                                                                                                                    |
| Fig.              | Figure                                                                                                                                                     |
| FWD               | Board's Final Written Decision                                                                                                                             |
| IPR               | <i>inter partes</i> review                                                                                                                                 |
| ITC               | International Trade Commission                                                                                                                             |
| ITC Investigation | <i>Certain High-Strength Aluminum or Aluminum Alloy-Coated Steel, and Automotive Products and Automobiles Containing Same</i> , Inv. No. 337-TA-1402 (ITC) |
| Patent Owner      | ArcelorMittal                                                                                                                                              |
| Petitioner        | POSCO Co., Ltd.                                                                                                                                            |
| POSITA            | person[s] of ordinary skill in the art                                                                                                                     |
| RPI               | Real Party-In-Interest                                                                                                                                     |

**TABLE OF EXHIBITS**

| <b>Abbreviation</b> | <b>Term</b>                                                               |
|---------------------|---------------------------------------------------------------------------|
| 2001                | Order No. 7: Procedural Schedule from ITC Investigation                   |
| 2002                | RPI's Takagi Invalidity Chart from ITC Investigation                      |
| 2003                | RPI's Cornette Invalidity Chart from ITC Investigation                    |
| 2004                | RPI's Laurent Invalidity Chart from ITC Investigation                     |
| 2005                | RPI's Nishibata Invalidity Chart from ITC Investigation                   |
| 2006                | RPI's Suehiro Invalidity Chart from ITC Investigation                     |
| 2007                | RPI's Invalidity Contentions from ITC Investigation                       |
| 2008                | Excerpted RPI's Expert Report Regarding Invalidity from ITC Investigation |
| 2009                | RPI's Pre-Hearing Brief from ITC Investigation                            |
| 2010                | Patent Owner's Pre-Hearing Brief from ITC Investigation                   |
| 2011                | Day One Trial Transcript from ITC Investigation                           |
| 2012                | Day Two Trial Transcript from ITC Investigation                           |
| 2013                | Day Three Trial Transcript from ITC Investigation                         |
| 2014                | RPI's Opening Post-Hearing Brief from ITC Investigation                   |
| 2015                | Patent Owner's Reply Post-Hearing Brief from ITC Investigation            |
| 2016                | File History of '602 Patent                                               |
| 2017                | File History of '683 Patent                                               |

Pursuant to the Patent Office's March 26, 2025 Memorandum titled "Interim Processes for PTAB Workload Management," Patent Owner respectfully requests that the Director exercise discretion and deny institution of the Petition filed by POSCO Co., Ltd., requesting IPR of claims 1-30 of U.S. Patent No. 10,961,602.

## **I. INTRODUCTION**

Patent Owner respectfully requests that the Board exercise its discretion to deny institution under *Fintiv*, *Advanced Bionics*, and/or *General Plastics*.

*First*, the Petition should be denied under *Fintiv*. Patent Owner is currently asserting the '602 Patent in a parallel ITC Investigation against RPI. The ITC Investigation evidentiary hearing and post-hearing briefing have ***already finished***. The ITC's initial determination date is June 23, 2025, and the target date for completion of the investigation is October 23, 2025, which is approximately ***nine months before*** the projected July 30, 2026 statutory deadline for the Board's Final Written Decision (if this Petition is instituted). Not only that, but RPI asserted the ***same*** references in the ITC that it is asserting here. In addition, this is Petitioner and RPI's ***second*** Petition against the '602 Patent. The first Petition was already instituted, and a second Petition would just increase the burden on the Board and parties, and create even more inefficiencies. This is a textbook example of when discretionary denial is appropriate under *Fintiv*.

*Second*, the Petition should also be denied under *Advanced Bionics*. All the

Grounds presented in the Petition consist entirely of references that were before the Patent Office, including references that were discussed and/or explicitly considered during the examination of the '602 Patent or the related '683 Patent. Petitioner's feeble attempt to avoid discretionary denial under section 325(d) consists of conclusory arguments that overlook the factual record and fail to address all parts of the *Advanced Bionics* framework.

*Third*, under *General Plastics*, this is Petitioner and RPI's second petition against this patent, challenging the same exact claims. Petitioner's proffered basis for filing multiple petitions is that there may be a priority dispute rendering the first petition moot. But Petitioner knew of the references used in this second petition when the first petition was filed. Instead of using these references in the first instance, Petitioner waited for Patent Owner to address the references in the ITC Investigation and then filed this second petition. The Board should not use its limited resources to institute multiple petitions under these facts.

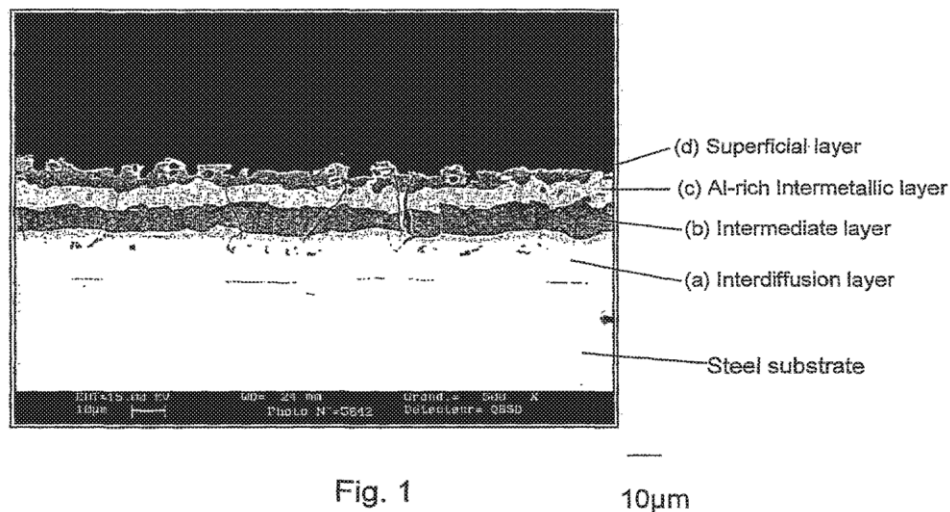
Thus, this Petition should be discretionarily denied, and no *inter partes* review should be instituted.

## **II. BACKGROUND**

**'602 Patent**: The '602 Patent relates to “[c]oated steel strips, coated stamped products and methods.” Ex-1001, Title. The '602 Patent recognizes that “the use of pre-coated steels in hot-stamping processes for the shaping of parts has become

important, especially in the automotive industry.” Ex-1001, 1:37-39. However, problems could occur due to “rollers [that] may become fouled” during the hot-stamping process leading to “excessive, maintenance of the rollers” and causing productivity to decrease. Ex-1001, 1:66-2:2. The '602 Patent also recognized that there was a need for parts with “very high mechanical resistance,” and “a substantial resistance to shocks, fatigue, abrasion and wear, while retaining a good resistance to corrosion as well as a good capacity for welding, painting and gluing.” Ex-1001, 2:3-23, 11:33-39.

The '602 Patent innovated and enabled a way to obtain, in a repeatable, consistent, and robust manner, a beneficial coating microstructure with the above qualities; this beneficial microstructure is reflected in the claims. Ex-1001, 14:59-18:24. Figure 1 is an embodiment of the invention and displays the beneficial coating microstructure.



Ex-1001, Figure 1.

**ITC Investigation:** Patent Owner is currently asserting the '602 Patent in a parallel ITC Investigation against RPI. *See Certain High-Strength Aluminum or Aluminum Alloy-Coated Steel, and Automotive Products and Automobiles Containing Same*, Inv. No. 337-TA-1402 (ITC), filed April 17, 2024. The ITC Investigation evidentiary hearing finished on March 7, 2025, and the parties completed post-hearing briefing on April 8, 2025. Ex-2001, 4. The ITC's initial determination date is June 23, 2025. *Id.* The target date for completion of the investigation is October 23, 2025, which is approximately nine months before the projected July 30, 2026 statutory deadline for the Board's Final Written Decision (if this Petition is instituted). *Id.*

Here, the Petition asserts grounds based on six references: Takagi, Cornette, Laurent, Nishibata, GMW14400, and Suehiro. All the references asserted in this Petition were also used at the ITC.<sup>1</sup>

- **ITC Contentions:** RPI submitted invalidity contentions that included more than a dozen prior art references. Every reference in this pending IPR was included in RPI's invalidity contentions. Ex-2002 (Takagi); Ex-2003 (Cornette); Ex-2004 (Laurent); Ex-2005 (Nishibata); Ex-2006 (Suehiro); Ex-2007, 24-26 (Takagi, GMW1400, Laurent, Nishibata),

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<sup>1</sup> At the ITC, RPI referred to Suehiro as "Suehrio II." Patent Owner's references to Suehiro in this filing should be understood to be referencing "Suehiro II" at the ITC. In addition, RPI interchangeably used the International Publication of Nishibata (WO 2004/106573) (referred to as "Nishibata WO" at the ITC) and the United States Patent Application Publication of Nishibata (U.S. Patent Pub. No. 2006/0185774) (referred to as "Nishibata US" at the ITC). Both publications have equivalent disclosures, and as such, Patent Owner references only "Nishibata" in this filing.

26-31 (Suehiro, Cornette, Takagi, Laurent, Nishibata).

- Expert Reports: RPI's invalidity expert report asserted 11 different invalidity references and a total of 24 different invalidity grounds, including the following combinations: Takagi in combination with Cornette; Takagi in combination with Cornette and Laurent; Takagi in combination with Cornette and Nishibata; Suehiro in combination with Cornette; Suehiro in combination with Cornette and GMW14400; Suehiro in combination with Cornette and Laurent; and Suehiro in combination with Cornette and Nishibata. Ex-2008, 2-4.
- Expert Discovery: The parties also took expert depositions, where Patent Owner had to prepare to question Petitioner's expert on all asserted grounds and likewise, Patent Owner's expert had to prepare to be deposed on all of Petitioner's asserted grounds. This meant the parties had to spend resources examining every single reference asserted in this IPR.
- Pre-Hearing Briefs: RPI's pre-hearing brief asserted nine prior art references and 15 invalidity grounds. Ex. 2009 at 3-5. Every reference used in this pending IPR, except Nishibata, was included in RPI's pre-hearing brief. Ex-2009, 3, 5, 61-63, 64-67, 68-71, 118-158. But because RPI did not inform Patent Owner that it was dropping any invalidity grounds until the morning the pre-hearing briefs were due, Patent Owner's pre-hearing brief addressed every invalidity reference raised in this IPR, including Nishibata. Ex-2010, 19 n.1, 86-89, 89-103, 107-114.
- Evidentiary Hearing: At the hearing, RPI did not officially dismiss or drop any further references. As a result, Patent Owner had to discuss all of the IPR references except Nishibata in its opening statement and prepare its expert to address these references. Ex-2011, 34-40. RPI had its expert testify about all the IPR references except Nishibata and GMW14400, and thus, Patent Owner had to have its expert testify about all these same references. Ex-2012, 211-212, 217-222; Ex-2013, 141-144.
- Post-Hearing Briefing: RPI discussed all the IPR except Nishibata and GMW14400 throughout its briefing. Ex-2014, 2-3, 52-68, 113-120. For example, RPI asserted that Cornette, Suehiro, and Takagi disclosed "the claimed 4-layer structure." *Id.*, 54, 58, 60. As a result, Patent

Owner had to address the references in its reply. Ex-2015, 2, 25-32.

**Petitioner and RPI's Earlier Petition for *Inter Partes* Review (IPR2024-1376)**: This is the second petition filed by Petitioner and RPI against the '602 Patent. In its notice of ranking petitions, Petitioner ranked this Petition below the first petition, and requested that the Board consider the first IPR before this one. *See* Paper 2. Petitioner's first IPR involves the following overlapping references: Takagi, Cornette, Laurent, Nishibata, and GMW14400. *See* IPR2024-01376, Paper 1. Just like this Petition, the first IPR uses Takagi as a primary reference for its alleged obviousness combinations. *Id.* The first petition was instituted on March 18, 2025, and a final written decision is expected on March 18, 2026, which is five months after the ITC's target date to complete its Investigation involving the '602 Patent. *See* IPR2024-01376, Paper 11. There is a pending request for Director Review of the institution decision. *See* IPR2024-01376, Paper 13.

### **III. THE PETITION SHOULD BE DENIED UNDER *FINTIV***

The *Fintiv* factors favor discretionary denial under 35 U.S.C. § 314(a).

Factor 1 (Possibility of Stay): Factor 1 heavily favors discretionary denial as RPI never requested a stay of the ITC Investigation. *Hewlett Packard Enter. Co. v. Q3 Networking LLC*, IPR2021-00754, Paper 9 at 8-9 (PTAB Oct. 8, 2021). A stay is also extremely unlikely at the late stage of the ITC Investigation, where the evidentiary hearing has concluded and the parties have finished post-hearing

briefing. *Google LLC v. EcoFactor Inc.*, IPR2020-0946, Paper 11 at 9-10 (PTAB Nov. 18, 2020); Ex. 2002.

Factor 2 (Relative Schedules): Factor 2 also heavily favors discretionary denial. The parties have finished the evidentiary hearing and post-hearing briefing at the ITC. *See supra* section II. The initial determination date is June 23, 2025, and the target date for completion of the investigation is October 23, 2025. On the other hand, the projected statutory deadline for any final written decision is July 30, 2026, which is approximately nine months after the October 23, 2025 target date for the ITC's final determination. *Garmin Int'l, Inc. v. Koninklijke Philips N.V.*, IPR2020-00754, Paper 11 at 12 (PTAB Oct. 27, 2020) (factor 2 weighs against institution when target date pre-dated Board's final written decision by four months).

Factor 3 (Investment in Parallel Litigation): Factor 3 heavily favors discretionary denial as the parties have finished the evidentiary hearing and post-hearing briefing. *Canadian Solar Inc. v. The Solaria Corp.*, IPR2021-00659, Paper 14 at 10-12 (PTAB Sept. 30, 2021).

Factor 4 (Extent of Overlap): Factor 4 heavily favors discretionary denial. RPI asserted the same references at the ITC. *See supra* section II; Ex. 2008 (referencing Takagi, Cornette, Laurent, Nishibata, GMW14400, and Suehiro as prior art). Although after the parties completed expert discovery, RPI belatedly revised some of its invalidity grounds and dropped one secondary reference (Nishibata), that

does not change the exact overlap that existed in the ITC Investigation. *See Roku v. Universal Elecs.*, IPR2021-00299, Paper 9 at 15-16 (PTAB July 13, 2021).

RPI continued to discuss the IPR references (except for Nishibata) in its pre-hearing brief, at the hearing, and in post-hearing briefing. *See supra* section II. As a result, there is a substantial overlap that continues to exist, and Factor 4 weighs heavily in favor of discretionary denial.

Factor 5 (Parties): Factor 5 weighs in favor of discretionary denial as both Patent Owner and RPI are parties to the ITC Investigation. *Fintiv*, IPR2020-00019, Paper 11 at 15 (PTAB Mar. 20, 2020) (“Because the petitioner and the defendant in the parallel proceeding are the same party, this factor weighs in favor of discretionary denial.”).

Factor 6 (Other compelling circumstances): Factor 6 also weighs in favor of denying institution, as all the asserted references were before the Patent Office. *See infra* section IV. In addition, this is the *second* petition filed against the '602 Patent by Petitioner and RPI. Multiple petitions asserting references that were before the Patent Office and are concurrently being asserted in the parallel ITC Investigation is the type of inefficiency and burden concerns that *Fintiv* is designed to address.

Conclusion: Accordingly, all six *Fintiv* factors support denying institution.

#### **IV. THE PETITION SHOULD BE DENIED UNDER 35 U.S.C. § 325(D)**

In determining whether to deny institution under 35 U.S.C. § 325(d), the Board applies a two-part framework: “(1) whether the same or substantially the same art previously was presented to the Office or whether the same or substantially the same arguments previously were presented to the Office; and (2) if either condition of [the] first part of the framework is satisfied, whether the Petitioner has demonstrated that the Office erred in a manner material to the patentability of challenged claims.” *Advanced Bionics LLC v. MED-EL Elektromedizinische Gerate GmbH*, IPR2019-01469, Paper 6 at 8 (PTAB Feb. 13, 2020) (precedential).

##### **A. The Same Art Was Considered (part one of *Advanced Bionics*)**

Petitioner's Grounds involve six references: Takagi, Cornette, Laurent, Nishibata, GMW14400, and Suehiro. *All* six references were before the Patent Office, and Petitioner's two primary references (Takagi and Suehiro) were discussed and/or applied during the prosecution of the '602 Patent and the related '683 Patent. Ex-2016, 720 (Nishibata), 850 (Laurent), 852 (Takagi), 856 (Suehiro), 857 (Cornette), 878-879 (Takagi), 912-913 (Takagi), 1137 (GMW14400); Ex-1031, 20-22 (describing prosecution history of '683 Patent). *Advanced Bionics*, IPR2019-01469, Paper 6 at 7-8 (“Previously presented art includes . . . art provided to the Office by an applicant, such as on an Information Disclosure Statement (IDS), in the

prosecution history of the challenged patent.”). Indeed, Petitioner does not argue that part one of *Advanced Bionics* is not satisfied. Pet., 88-89.

**B. The Patent Office Did Not Materially Err (part two of *Advanced Bionics*)**

Since Petitioner failed to show that part one of *Advanced Bionics* is not satisfied, it has the burden to demonstrate that the Patent Office materially erred. *BMW of N. Am., LLC v. Stragent, LLC*, IPR2021-00418, Paper 19 at 6-7, 10 (PTAB Mar. 21, 2022). “If reasonable minds can disagree regarding the purported treatment of the art or arguments, it cannot be said that the Office erred in a manner material to patentability.” *Advanced Bionics*, IPR2019-01469, Paper 6 at 9.

Petitioner asserts that “the Examiner’s failure to apply Takagi, Suehiro, Cornette, and GMW14400” was erroneous because “these references were not used as the basis for any rejection and the Examiner did not discuss them.” Pet., 88. Petitioner ignores that Takagi, Cornette, and Laurent were substantively discussed and applied during the prosecution of the related ’683 Patent. The Office issued non-final and final rejections of the pending claims of the ’683 Patent as (1) anticipated or in the alternative obvious over Laurent and (2) anticipated or in the alternative obvious over Takagi. Ex-2017, 134-144, 197-211. Patent Owner appealed the rejections. *Id.*, 218, 230-241, 250-264, 266-269. The PTAB analyzed Laurent and Takagi and reversed the rejections. *Id.*, 436-442.

In addition, merely because the Patent Office did not use these references in rejection during the prosecution of this specific patent does not mean the Office erred. *Microsoft Corp. v. AlmondNet, Inc.*, IPR2022-01319, Paper 9 at 11 (PTAB Jan. 30, 2023) (“Here, the [reference] that was before the Examiner during the examination is identical to the art cited here[.] There is no argument or evidence before us that [the reference] was concealed from the Examiner. The Examiner ultimately made a determination that the claims were patentable . . . we are not persuaded of material Examiner error.”). Contrary to Petitioner’s argument, the requirements of 325(d) do not require the Examiner to discuss every single reference to avoid making a material error. *Advanced Bionics*, IPR2019-01469, Paper 6 at 9 (“At bottom, this framework reflects a commitment to defer to previous Office evaluations of the evidence of record unless material error is shown.”). And in any event, Patent Owner discussed Takagi during the examination of the ’602 Patent. Ex-2016, 878-879, 912-913.

In addition, Petitioner asserts that Cornette and GMW14400 “teach that ‘the coating has a thickness greater than 30 micrometers.’” Pet., 88-89. But Petitioner does not assert that these references otherwise anticipate and disclose the remaining elements of the claims. Petitioner has not shown why it was material error for the Examiner to reasonably determine that there was not a motivation to combine Cornette or GMW14400 with any other references in a sufficient manner that would

render the claims obvious. Indeed, Petitioner does not argue why the Examiner's decision not to combine these references with other references constitutes material error. *See* Pet., 88-89; *Ivantis, Inc. v. Sight Scis., Inc.*, IPR2022-01540, Paper 14 at 14 (PTAB Mar. 22, 2023) (“To the extent Petitioner equates the examiner’s silence in discussing relevant prior art to a material error, we are not persuaded.”).

Petitioner also asserts that the Examiner failed to appreciate “Takagi’s and Suehiro’s disclosure of the compositions” of each layer and that the Examiner did not consider that Cornette or GMW14400 shows “a coating with a thickness greater than 30  $\mu\text{m}$ .” Pet., 89. But Petitioner’s argument ignores the Examiner’s substantive rejection based on Takagi during the prosecution of the ’683 Patent; indeed, during the ’683 Patent IPR, Petitioner acknowledged that the Examiner issued a rejection based on Takagi. Ex-1031, 20 (“The Examiner rejected the claims as independently anticipated by two prior art references, Laurent (Ex. 1008) and Takagi (U.S. Patent Pub. No. 2004/0009366).”); *Ivantis, Inc. v. Sight Scis., Inc.*, IPR2022-01529, Paper 16 at 20 (PTAB Mar. 21, 2023) (considering “prior art that Examiner has already considered during prosecution of the [challenged] patent and its related applications” and finding “Petitioner has not shown material error by the Office”). As noted, Takagi was even discussed during the prosecution of the ’602 Patent and the related ’683 Patent. Ex-2001, 852 (Takagi), 878-879 (Takagi), 912-913 (Takagi); Ex-1031, 20 (Takagi).

Finally, part two of *Advanced Bionics* requires the Petitioner to demonstrate “the extent to which additional evidence and facts presented in the Petition warrant reconsideration.” *Advanced Bionics*, IPR2019-01469, Paper 6 at 9 n.10. Petitioner does not even address this factor. Pet., 82-83. To the extent the Petitioner intends to reference the arguments in its Petition and expert declaration, that “does nothing to distinguish this Petition from the bulk of others that come before the Board . . . we find this argument insufficient to show ‘the extent to which additional evidence and facts presented in the petition warrant reconsideration of the prior art or arguments.’” *Gator Bio, Inc. v. Sartorius Bioanalytical Instruments, Inc.*, IPR2023-00215, Paper 19 at 21 (PTAB June 20, 2023). Thus, *Advanced Bionics* confirms that the Board should exercise its discretion to deny institution.

**V. THE PETITION SHOULD BE DENIED UNDER *GENERAL PLASTICS***

Since this is Petitioner’s second petition against the same patent, the *General Plastics* factors also favor discretionary denial. *General Plastic Indus. Co. v. Canon Kabushiki Kaisa*, IPR2016-01357, Paper 19 (PTAB Sept. 6, 2017).

Factor 1 (favors denial): Petitioner is challenging the same exact claims.

Factor 2 (favors denial): Petitioner knew of the prior art asserted in the second petition at the time of filing of the first petition in September 2024. All the references included in this second petition were disclosed in RPI’s invalidity contentions in the parallel ITC Investigation in August 2024. *Supra* section II; Ex-2007.

Factor 3 (favors denial): Petitioner filed the second petition one-day before Patent Owner filed its preliminary response to the first petition. However, at the time Petitioner filed the second petition, RPI had received Patent Owner's responsive validity contentions and expert report addressing these references and deposed Patent Owner's validity expert in the ITC Investigation. *Supra* section II.

Factor 4 (favors denial): All the prior art asserted in the second petition was disclosed to the Patent Office. At a minimum, Petitioner knew of the art by the time RPI served its invalidity contentions in August 2024 (*i.e.*, four months before filing this second petition). However, Petitioner also filed an IPR against the related '683 Patent in 2019, and many of the asserted references in this second petition were discussed during the examination of the '683 Patent. *Supra* section IV. As a result, Petitioner likely knew of these references for years before filing the second petition.

Factor 5 (favors denial): Petitioner has not provided an adequate explanation for filing multiple petitions. Although Petitioner asserts that a potential priority date issue necessitates multiple petitions, Petitioner made the strategic decision to file an IPR asserting non-102(b) art, even though under Petitioner's view, there was allegedly meritorious and viable 102(b) art. Petitioner should not be allowed to game the system by waiting for Patent Owner to provide arguments at the ITC addressing Petitioner's references used in the first petition and then, under the guise of a potential priority date dispute, file a second petition against the same patent.

*See also Louisiana-Pacific Co. v. Huber Engineered Wood LLC*, IPR2020-00609, Paper 12 at 9 (PTAB Aug. 20, 2020) (no justification for follow-on petition “simply because Patent Owner disputes the prior art status of references relied on in the Original Petition”).

Factor 6 (favors denial): As the Director’s March 26, 2025 Memorandum explained, the Board is tasked with several statutory duties. Given the Board’s limited resources, expending effort on multiple petitions filed by the same parties against the same patent is inefficient and will limit the Board’s capacity to conduct AIA proceedings.

Factor 7 (favors denial): Because the Patent Office is resource constrained, having to deal with multiple petitions will jeopardize the Office’s ability to issue a final determination within one year of review.

Conclusion: Accordingly, all seven *General Plastics* factors support denying institution.

## **VI. CONCLUSION**

Patent Owner respectfully requests that the Petition be discretionarily denied.

DATED: April 28, 2025

Respectfully Submitted,

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**CERTIFICATION OF WORD COUNT**

Under the provisions of 37 C.F.R. § 42.24(d), the undersigned attorney hereby certifies that this document complies with the type-volume limitations of 37 C.F.R. § 42.24(b). The word count of the foregoing Patent Owner's Discretionary Denial Brief is 3,442, according to the word count tool in Microsoft Word.

DATED: April 28, 2025

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**CERTIFICATE OF SERVICE**

The undersigned certifies service pursuant to 37 C.F.R. § 42.6 of a copy of this Patent Owner's Discretionary Denial Brief upon Petitioner by email on April 28, 2025, to the following email addresses of record:

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