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Subject: IPR2025-00370 and -00371 - Order 16
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Dear Board,

Pursuant to Order 16, the parties provide the following information about the parallel International Trade Commission Investigation involving U.S. Patent Nos. 10,961,602 (IPR2025-00370) and 11,326,227 (IPR20205-00371):

- On July 18, 2025, the presiding Administrative Law Judge issued a Final Initial Determination (“FID”).
 - The FID found that a B-Pillar from a 2006 Volkswagen Passat with a VIN Number of WVGAK73C66PO41049 (“Passat”) anticipated claims 1-4, 7-10, 18, 20-22, 24, and 26 of the ’602 Patent and claims 1, 2, 4, 5, 7, 9, 10, 13, 15-17, and 24 of the ’227 Patent. The FID found that Respondents have not shown anticipation of claims 8 and 11 of the ’227 Patent. The remaining claims of each patent were not at-issue in the ITC Investigation.
 - The FID found that a reference named “Lachmann,” which is a presentation by Dr. Carsten Lachmann, anticipated claims 1-4, 20-22, and 24 of the ’602 Patent and claims 1, 2, 7-11, 13, 15, and 24 of the ’227 Patent.
 - The FID found that the combination of Lachmann and Laurent (U.S. Patent No. 6,296,805) rendered obvious claims 3, 4, 7, and 8 of the ’602 Patent and claims 16 and 17 of the ’227 Patent.
 - The FID found that Respondents have not shown that claims 9, 10, 18, and 26 of the ’602 Patent and claims 4 and 5 of the ’227 Patent are obvious over the combination of Lachmann and Cornette (a paper titled “High Strength Steels for Automotive Safety Parts”).
- Subsequently, Patent Owner filed a Petition for Review, in relevant part, challenging the FID’s findings as to Passat and Lachmann.
- On September 18, the Commission issued a decision where it reviewed the FID and affirmed the FID’s finding of no violation: “Specifically, the Commission

has determined to affirm the final ID's findings on statutory authority and importation and the finding that claims 1-4, 7-10, 18, 20-22, 24, and 26 of the '602 patent, and claims 1, 2, 4, 5, 7, 9, 10, 13, 15-17, and 24 of the '227 patent are invalid as anticipated by the 2006 Volkswagen Passat. The Commission thus determines that the domestic industry requirement is not satisfied, because the claims that Complainant has asserted to be practiced by its domestic industry articles are invalid, and therefore Complainant has failed to satisfy the technical prong of the domestic industry requirement." Sept. 18, 2025 Notice of Commission Determination. The Commission determined that it would take no position on the remaining findings in the FID, including with respect to other invalidity grounds.

- The deadline to file a notice of appeal to the Federal Circuit is November 17, 2025.

The parties will file the public version of the FID and the Commission's determination on the docket of each IPR proceeding.

Respectfully submitted,
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