

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

FULL-METAL-POWER B.V.,
Petitioner,

v.

INFOCUS DOWNHOLE SOLUTIONS USA LLC,
Patent Owner.

IPR2025-00391
Patent 10,676,992 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

Granting Patent Owner's Request for Discretionary Denial and Denying
Institution of *Inter Partes* Review

InFocus Downhole Solutions USA LLC (“Patent Owner”) filed a request for discretionary denial (Paper 11, “DD Req.”) in the above-captioned case, and Full-Metal-Power B.V. (“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 appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the projected final written decision due date in the Board proceeding is July 30, 2026. DD Req. 4. The district court’s scheduled trial date is June 22, 2026. *Id.* As such, it is unlikely that a final written decision in this proceeding will issue before district court trial occurs. Furthermore, there is insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial. *See id.* at 6–7; DD Opp. 2–4. Additionally, Petitioner has not offered a stipulation, despite overlap in the prior art grounds between the proceedings. On balance, the circumstances in this case favor discretionary denial.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

ORDERED that Patent Owner’s request for discretionary denial is *granted*;

FURTHER ORDERED that the Petition is *denied*.

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FOR PETITIONER:

Michael Locklar
Chance Hardie
EWING & JONES, PLLC
mlocklar@ewingjones.com
chardie@ewingjones.com

FOR PATENT OWNER:

Jerry Selinger
Kyrie Cameron
Archibald Cruz
PATTERSON + SHERIDAN LLP
jselinger@pattersonsheridan.com
kcameron@pattersonsheridan.com
acruz@pattersonsheridan.com