

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

CAIHONG DISPLAY DEVICES CO. LTD.,
Petitioner,

v.

CORNING, INC.,
Patent Owner.

IPR2025-00439
Patent 7,851,394 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
Denying Institution of *Inter Partes* Review

Corning, Inc. (“Patent Owner”) filed a request for discretionary denial (Paper 12, “DD Req.”) in the above-captioned case, and Caihong Display Devices Co., Ltd. (“Petitioner”) filed an opposition (Paper 16, “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 for this proceeding is September 10, 2026. DD Req. 10. The hearing in the parallel U.S. International Trade Commission (“ITC”) investigation is set for January 6, 2026, the scheduled final initial determination date is April 7, 2026, and the target date for completion is August 7, 2026. *Id.* at 10–11. As such, it is unlikely that a final written decision in this proceeding will issue before the final determination in the ITC investigation. Additionally, there is insufficient evidence that the ITC is likely to stay its proceeding even if the Board were to institute trial. *Id.* at 10. Furthermore, there has been meaningful investment in the parallel proceeding by the parties. *Id.* at 11–12. For example, the parties have exchanged expert reports and a *Markman* hearing has been held, and the parties will complete fact discovery before a decision on institution is due. *Id.*

In addition, the challenged patent has been in force for more than 14 years, creating strong settled expectations, and Petitioner does not provide any persuasive reasoning why an *inter partes* review is an appropriate use of Board resources. *Dabico Airport Sols. Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21 at 2–3 (Director June 18, 2025).

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*.

IPR2025-00439
Patent 7,851,394 B2

FOR PETITIONER:

Daniel Pereira
Donald McPhail
MERCHANT AND GOULD PC
dpereira@merchantgould.com
dmcphail@merchantgould.com

FOR PATENT OWNER:

Jason Eisenberg
Kristina Kelly
Chase Hammond
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
jasone-ptab@sternekessler.com
kckelly-ptab@sternekessler.com
chammond-ptab@sternekessler.com