PTO-2326 (04-2024)
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

REQUEST FOR REFUND

Reference # *(Patent #, Application #, Trademark Serial #, Registration #, etc.)*	**Title of Invention or Mark Information**	
IPR2025-00477	PROJECTION TYPE IMAGE DISPLAY APPARATUS	
Attorney Docket # *(if applicable)*	**Payment Date** *(mm/dd/yyyy)*	**Refund Request Amount**
19702.0011USWX	01/17/2025	$ 28,125.00

Refund Option *(Select one)*

- (●) If approved, issue the refund to the account associated with the original payment.
- ( ) If approved, and the original payment was a check, issue the refund to deposit account # _____.
- ( ) If approved, and the original payment was a check, issue the refund as a U.S. Treasury check.

Reason for Refund Request *Refund requests must generally be filed within 2 years of payment date (37 CFR 1.26 and 2.209)*

- [ ] Duplicate Payment
- [ ] No Fee Due
- [ ] Office Error
- [x] Other: Discretionary Denial
- [ ] Small Entity Later Established* **(Must be filed within 3 months of payment date, 37 CFR 1.28. There is no refund when micro entity is later established.)*

Rationale *(Supporting documentation may be submitted with this form)*

IPR Petition was denied due to a Discretionary Denial decision.

Requester's Information

Company or Firm Name *(if applicable)*		
Merchant & Gould, P.C.		
Address Line 1	**City**	**State/Region**
1900 Duke Street, Suite 600	Alexandria	VA
Address Line 2 *(if applicable)*	**Country**	**Zip/Postal Code**
	USA	22314
Email Address *(You will receive an acknowledgment of receipt only if you provide a valid email address)*	**Phone Number**	
jkern@merchantgould.com	(703) 518-4514	
Requester's Name	**Registration Number** *(if applicable)*	
John Kern	42,719	
Signature	**Date** *(mm/dd/yyyy)*	
/s/ John Kern	09/03/2025	

Submit online via Patent Center (Patents customers who are registered users only): https://patentcenter.uspto.gov, or
Fax to: 571-273-6500, or
Mail to: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450

EXHIBIT A

Director_Discretionary_Decision@uspto.gov
571-272-7822

Paper 10
Date: July 10, 2025

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

CORETRONIC CORPORATION and
OPTOMA CORPORATION,
Petitioner,

v.

MAXELL, LTD.,
Patent Owner.

IPR2025-00474 (Patent 8,593,580 B2)
IPR2025-00476 (Patent 9,547,226 B2)
IPR2025-00477 (Patent 7,850,313 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

Maxell, Ltd. ("Patent Owner") filed a request for discretionary denial (Paper 6, "DD Req.") in the above-captioned cases, and Coretronic Corporation and Optoma Corporation ("Petitioner") filed an opposition (Paper 7, "DD Opp.").[1]

After considering the parties' arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in these proceedings. 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 each of these cases is September 10, 2026. DD Req. 6. The district court's scheduled trial date is March 23, 2026, and the time-to-trial statistics suggest trial will begin in May 2026. *Id.* at 5–6. As such, it is unlikely that a final written decision in these proceedings will issue before the district court trial occurs. Additionally, there is insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial, and there has been meaningful investment in the parallel proceeding by the parties. *Id.* at 4–5, 9–14. For example, the parties have participated in a *Markman* hearing and fact discovery will close soon. *Id.* at 7–8. Furthermore, the challenged patents have been in force for approximately eight, twelve, and fifteen 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).

[1] Unless indicated otherwise, citations are to papers in IPR2025-00474. The parties filed similar papers in IPR2025-00476 and IPR2025-00477.

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 Petitions are 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*; and

FURTHER ORDERED that the Petitions are *denied*, and no trial is instituted.

IPR2025-00474 (Patent 8,593,580 B2)
IPR2025-00476 (Patent 9,547,226 B2)
IPR2025-00477 (Patent 7,850,313 B2)

FOR PETITIONER:

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