

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CLEARCORRECT OPERATING, LLC,
Petitioner,

v.

ALIGN TECHNOLOGY INC.,
Patent Owner.

IPR2025-00818 (Patent 10,973,613 B2)
IPR2025-00819 (Patent 11,154,384 B2)
IPR2025-00820 (Patent 11,648,090 B2)
IPR2025-00821 (Patent 11,648,091 B2)¹

Before NEIL T. POWELL, KRISTINA M. KALAN, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

KALAN, *Administrative Patent Judge*.

ORDER
Denying Patent Owner's Filing Request
37 C.F.R. § 42.5

¹ We use this caption for efficiency. These cases are not joined. The parties may not use such a caption without prior authorization from the Board.

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We instituted *inter partes* review in the above-captioned cases following referral to the panel from the Director after consideration of discretionary issues. *See, e.g.*, IPR2025-00818,² Paper 17 (Institution Decision), Paper 14 (Director Discretionary Decision: Refer).

On November 20, 2025, Patent Owner requested “Director Review of the Director’s Discretionary Denial Decision (DD Decision, Paper 14) and the Decision to Institute Trial (DI, Paper 17)” in the above-captioned cases. *See, e.g.*, IPR2025-00818, Paper 19, 1. In its requests for Director Review, Patent Owner challenged the DD Decision and the DI, and argued real-party-in-interest issues, including that Bay Materials LLC was not identified as a real party in interest. *See, e.g., id.*, Paper 19, 1, 10–14 (citing *Corning Optical Commc’ns RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 (Aug. 18, 2015) (designated precedential Oct. 28, 2025 except § II.E.1)). Previously, Patent Owner had stated in its request to the Director for discretionary denial of the petitions, “Petitioner [Align Technology, Inc.] is a defendant in the parallel litigation, as is each real party-in-interest” *See, e.g.*, IPR2025-00818, Paper 7, 18. Petitioner states that Bay Materials LLC has never been a defendant in the parallel litigation. Ex. 3002.

On March 3, 2026, the Director denied the request for Director Review in each of the above-captioned cases. *See, e.g.*, IPR2025-00818, Paper 29.

² We cite to papers and exhibits filed in IPR2025-00818. Similar papers and exhibits were filed in IPR2025-00819, IPR2025-00820, and IPR2025-00821.

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On March 11, 2026, via email to the Board, Patent Owner requested authorization to “file a motion to vacate the institution decision and terminate each of IPR2025-00818, -00819, -00820, and -00821.” Ex. 3001. Patent Owner argued that good cause for such a motion exists “because the petition fails to identify all real parties in interest, including Bay Materials LLC, and this failure to identify a real party in interest cannot be cured.” *Id.* (citing *Corning Optical*, IPR2014-00440, Paper 68).

Also on March 11, 2025, in its own email to the Board (Ex. 3002), Petitioner highlighted its position (included in Patent Owner’s email (Ex. 3001)) that Patent Owner’s filing “would amount to an untimely second rehearing request.” Ex. 3002.

We note Petitioner’s citation to 37 C.F.R. §§ 42.75 and 42.71, which permit either one request for Director Review or a single rehearing request within 14 days after institution. Ex. 3002. Patent Owner availed itself of its one request for Director Review in these proceedings. *See, e.g.*, IPR2025-00818, Paper 19. Those requests, in which Patent Owner argued, *inter alia*, the real-party-in-interest position it alludes to here, were denied. *See, e.g.*, IPR2025-00818, Paper 29. In view of Patent Owner’s prior presentation and briefing of the real-party-in-interest issues to the Director, which took place after the *Corning* case issued and was designated precedential, we agree that Patent Owner has not identified any good cause for departing from the rules permitting either a request for rehearing or a request for Director Review. We decline to hear another challenge based on these same issues, which have already been reviewed and decided by the Director.

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ORDER

In view of the foregoing, it is

ORDERED that Patent Owner's request to file a motion to vacate the above-captioned proceedings is *denied*.

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