

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

JINKOSOLAR CO., LTD.,
Petitioner,

v.

LONGI GREEN ENERGY TECHNOLOGY CO. LTD.,
Patent Owner.

IPR2025-00859
Patent 9,515,214 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

LONGi Green Energy Technology Co. Ltd. (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned case, and JinkoSolar Co., Ltd. (“Petitioner”) filed an opposition (Paper 7, “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 November 21, 2026. DD Req. 6. The district court’s scheduled trial date is August 31, 2026, and the time-to-trial statistics suggest trial will begin on November 7, 2026. *Id.* at 6–8; Ex. 2003; Ex. 2004. As such, it is unlikely that a final written decision in this proceeding will issue before district court trial occurs, resulting in significant duplication of effort, additional expense for the parties, and a risk of inconsistent decisions. Additionally, there is insufficient evidence that the district court is likely to stay its proceeding if the Board were to institute trial. DD Req. 4–5.

Moreover, the challenged patent has been in force for approximately ten years, creating strong settled expectations for Patent Owner, and Petitioner does not provide 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). Petitioner’s unsupported argument that Patent Owner does not have strong settled expectations because the patent was not previously “asserted, licensed, or otherwise applied” by Patent Owner or the prior owner of the

patent does not defeat Patent Owner's strong settled expectations. DD Opp. 6–7 (quoting *Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12, 2–3 (Director June 26, 2025)). Additionally, Petitioner has been aware of the published application for the challenged patent since at least 2016, when the application was listed on a search report during prosecution of one of Petitioner's Chinese patent applications. *See* DD Req. 21.

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*; and

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

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