

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHENZHEN RONGLIDA TECHNOLOGY CO. LTD.,
Petitioner,

v.

PATHWAY IP LLC,
Patent Owner.

Case No. IPR2025-01231
U.S. Patent No. 7,841,729

PATENT OWNER'S MOTION FOR ADDITIONAL DISCOVERY

I. Introduction

Patent Owner Pathway IP LLC moves under 37 C.F.R. § 42.51(b)(2) for narrowly tailored additional discovery on the question of who funded, directed, and controlled this proceeding, and who the real parties in interest are. The motion is authorized by the Board's order during the May 21, 2026 conference call. Patent Owner respectfully apologizes for submitting this motion two business days after the date set by the Board. The delay followed some confusion as to the deadline during the call (Ex. 1023, 31:4-20), which review of the transcript resolved.

The need for this discovery is not speculative. The named Petitioner, Shenzhen Ronglida Technology Co. Ltd., was deregistered under the laws of the People's Republic of China on December 11, 2025 (Ex. 1021, 2; Ex. 1020, ¶ 3), a fact named Petitioner's counsel conceded on the May 21, 2026 call (Ex. 1023, 17:19-22). A deregistered entity cannot pay legal bills, instruct counsel, or prosecute an inter partes review, yet filings continued in its name for months. Someone other than the named Petitioner has been funding this proceeding. The only question is who.

This discovery is not an end in itself. Qingqing Duan, the proposed substitute Petitioner, concedes that the named Petitioner is no longer a registered corporate entity and essentially does not exist. Ex. 1020, ¶ 11. A petition may be considered only if it identifies all real parties in interest. 35 U.S.C. § 312(a)(2). The identity of those real parties in interest turns on who has been funding and directing this

proceeding. *See Corning Optical*, IPR2014-00440, Paper 68 (precedential). Whether any party may properly be substituted as Petitioner is a separate question, which Patent Owner addresses in its opposition to Petitioner's motion to substitute.

The real-party-in-interest question is central to the integrity of this proceeding. The Director has designated *Corning Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (designated precedential Oct. 28, 2025, except as to Section II.E.1), and has de-designated *SharkNinja Operating LLC v. iRobot Corp.*, IPR2020-00734, Paper 11 (PTAB Oct. 6, 2020). In the memorandum designating *Corning Optical* as precedential, the Director explained that accurate identification of real parties in interest guards against opaque ownership, funding, and control structures used by foreign actors to covertly direct proceedings before the Board. Director's Mem. on Precedential Designation (Oct. 28, 2025).

The twenty-one day updating provision of 37 C.F.R. § 42.8(a)(3) does not save Petitioner. That provision addresses a change in a correct identification, not an incomplete one. If the proceeding was funded and directed by a party the Petition did not name, the identification was incomplete at filing, and there was nothing correct to update. In any event, twenty-one days from deregistration passed, then months passed, and no update came.

II. Background

Patent Owner's Preliminary Response identified a coordinated group of Amazon sellers, the Neewer Defendants, selling NEEWER-branded lighting under a shared listing, defending the parallel district court action with shared counsel and joint briefing, and tied to Shenzhen Neewer Technology Co., Ltd. and Shenzhen Xing Ying Da Industry Co., Ltd. Paper 7, at 4-5. The named Petitioner had the smallest sales of the group, only \$41,205.61, less than the cost of filing this Petition. Paper 7, at 7.

Section 312(a)(2) permits a petition to be considered only if it identifies all real parties in interest. The Petition named one: "The real party-in-interest is SHENZHEN RONGLIDA TECHNOLOGY CO. LTD. d/b/a ShutterLight." Paper 1, at 52. It named no other entity or individual. Patent Owner raised the real-party-in-interest issue in its Preliminary Response. Paper 7, at 3-10. Petitioner paid no heed. In its January 2, 2026 Reply, Petitioner doubled down, stating that it "identified itself as the sole RPI and affirms no other entity funded or controlled the IPR," and that "Petitioner is the sole real party in interest." Paper 9, at 1, 3. Yet the named Petitioner had been deregistered under the laws of the People's Republic of China on December 11, 2025, and filings continued in its name. On January 13, 2026, a motion in the name of (now deregistered) Shenzhen Ronglida was filed to withdraw Hasan A. Almashat. Paper 10, at 1. On April 6, 2026, nearly four months

after deregistration, Petitioner submitted updated mandatory notices, again identifying the deregistered entity as the sole petitioner. Paper 17, at 2.

Left with Petitioner's denial and no disclosure, Patent Owner retained and paid a private investigation agency at its own expense to develop the facts Petitioner was required to disclose. As described below and in the accompanying Declaration of A. Justin Poplin (Ex. 2040), that investigation developed the connections between the named Petitioner, Qingqing Duan, and Shenzhen Neewer. Petitioner has now moved to substitute Qingqing Duan, the former alleged sole shareholder, as the Petitioner. Paper 21.

Two law firms have represented the named Petitioner. Dinsmore & Shohl LLP was lead counsel and Glacier Law LLP was backup counsel at the July 2025 filing. Paper 2, at 1. Glacier became lead counsel in March 2026 when Dinsmore withdrew. *See* Papers 10 and 16. The engagement and payment records of both firms are probative of who retained, paid, and instructed counsel, before and after the December 11, 2025 deregistration.

As set out in the Poplin Declaration (Ex. 2040), the investigator has informed counsel that Duan, the proposed substitute Petitioner, is a long-tenured Shenzhen Neewer employee; that Liu Qingmin, a key person of the named Petitioner (Ex. 1021, 2), is also a Shenzhen Neewer employee; that the named Petitioner was a shell established by Shenzhen Neewer to run an Amazon store, with no operations team

of its own; and that Duan was made the designated contact for Shenzhen Xing Ying Da, a wholly owned Neewer subsidiary, on December 31, 2025, twenty days after deregistration. Patent Owner will file the investigator's report as Exhibit 2041 within one week.

III. Legal Standard

Additional discovery is available where the moving party shows that it is in the interests of justice. 37 C.F.R. § 42.51(b)(2)(i). The Board applies the five factors of *Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 26, at 6-7 (PTAB Mar. 5, 2013): (1) whether there is more than a mere possibility or allegation that something useful will be found; (2) whether the request seeks the other party's litigation positions; (3) the ability to generate equivalent information by other means; (4) whether the instructions are easily understandable; and (5) whether the request is overly burdensome.

The Board has granted real-party-in-interest discovery under this standard, including depositions and the production of documents reflecting funding, control, and the relationship between a petitioner and an unnamed party. *See Kashiv Pharma, LLC v. Purdue Pharma L.P.*, IPR2018-00625, Paper 20 (PTAB July 31, 2018); *Intel Corp. and Cavium, LLC v. Alacritech, Inc.*, IPR2018-00226, Paper 31 (PTAB Nov. 19, 2018).

The petitioner bears the ultimate burden of persuasion to show that its petition is not time-barred under 35 U.S.C. § 315(b) and that it has named all real parties in interest. The patent owner need only produce some evidence that an unnamed party should have been named, *see Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237 (Fed. Cir. 2018), which Patent Owner has done here. The discovery sought is directed at developing the record the *Corning Optical* regime requires.

IV. The *Garmin* Factors Favor the Requested Discovery

A. There is more than a mere possibility that useful evidence will be found.

This is not a case of inference piled on association. Because the named Petitioner is legally dead and cannot fund or direct litigation, yet filings continued in its name for months, it is a matter of logical necessity, not speculation, that some unnamed person or entity has been funding and directing this proceeding. The discovery sought will identify that person or entity. That alone satisfies the first factor.

The threshold showing is reinforced by the investigator's findings, set out above, which tie the named Petitioner to Shenzhen Neewer through Duan and through the shell structure of the named Petitioner. Duan's own declaration states that she owned 100% of the shares of the named Petitioner "immediately prior to" its deregistration. Ex. 1020, ¶ 4. That phrase is carefully limited to the moment before deregistration. It does not say how long Duan held those shares, when or how

she acquired them, or from whom. Whether her ownership was longstanding or was arranged shortly before deregistration to create a convenient individual successor is precisely what Request 7 is directed at. Ex. 2042. This is the same kind of threshold showing that supported discovery in *Kashiv*.

B. The requests do not seek litigation positions.

The requests seek facts about funding, control, payment, and the identities of persons who received and directed the Petition. They do not seek counsel's legal theories or work product. The requests directed at communications are deliberately split. The requests that exclude counsel of record seek non-privileged factual communications, and the Board may grant them without reaching any privilege question. The fact and terms of an engagement, and the identity of who has paid the fees, are likewise not attorney-client confidences. The separate requests that reach counsel are presented apart so the Board may address any privilege question on its own terms. Whether a privilege may even be asserted on behalf of the named Petitioner, which has ceased to exist, is itself an open question.

C. Patent Owner cannot obtain this information by other means.

The information sought concerns funding, internal communications, and payments among foreign entities and an individual in China, to which Patent Owner has no access. Counsel has declined to provide engagement letters or to identify who

has paid or instructed (Ex. 2040 ¶ 10; Ex. 1023, 15:12-18). The responsive materials are held by any named or unnamed petitioner and by counsel appearing in this proceeding.

D. The requests are easily understandable and not burdensome.

Each request is bounded by subject matter, by the patent or this proceeding, and by identified custodians. The categories are finite and well-defined, of the kind the Board has found grantable in *Kashiv* and *Intel*. They impose no undue burden.

V. The Specific Discovery Requested

Patent Owner requests authorization to serve the following requests for production and to take the deposition described below. In *Corning Optical*, the engagement letter and the records of who paid for the proceeding were the evidence that established an unnamed real party in interest, confirming the relevance of Requests 4A, 4B, 5, 8A, 8B, and 9. See *Corning Optical*, IPR2014-00440, Paper 68. The Board has granted production of documents reflecting indemnification and defense-coordination relationships bearing on the real-party-in-interest question and a possible Section 315(b) bar, which supports Requests 1, 2, 3, 6, and 7. See *Intel Corp. and Cavium, LLC v. Alacritech, Inc.*, IPR2018-00226, Paper 31. And the Board has granted depositions to examine the relationship between a petitioner and

an unnamed party and the extent of funding and control, supporting the deposition of Duan. *Kashiv Pharma, LLC v. Purdue Pharma L.P.*, IPR2018-00625, Paper 20.

The specific requests are set out in Patent Owner's Proposed Requests for Production (Ex. 2042). They seek discrete, custodian-bounded categories: the recipients of any draft Petition (Request 1); Duan's communications concerning any challenge to the patent and concerning the patent itself (Requests 2A, 2B, 3A, 3B); the engagement letters of the two firms appearing in this proceeding (Requests 4A, 4B); payments to Duan and payments to those firms by any person (Requests 5, 8A, 8B); the named Petitioner's communications with the Neewer entities and with counsel concerning any challenge to the patent (Requests 6A, 6B); the ownership and shareholding history of the named Petitioner (Request 7); and the persons or entities that funded the formation of the named Petitioner (Request 9). Each communication request is split so that the requests excluding counsel may be granted without reaching any privilege question.

Patent Owner further requests authorization to depose Qingqing Duan on the subjects of the funding, control, and direction of this proceeding, her role at the named Petitioner, her employment with and role at Shenzhen Neewer, and her role with Shenzhen Xing Ying Da. Counsel appearing in this proceeding has already offered to produce Duan for deposition on the real-party-in-interest question. Ex. 1023, 13:18-14:4. The deposition is therefore not contested; only its scope is at issue.

Patent Owner requests that the deposition extend to the subjects identified above, and to any relationship or association between Duan and the entities identified in Patent Owner's Preliminary Response as real parties in interest, including the other Neewer Defendants in *Pathway IP LLC v. The Individuals*, No. 1:24-cv-05218 (N.D. Ill.), Shenzhen Neewer Technology Co., Ltd., and Shenzhen Xing Ying Da Industry Co., Ltd. These subjects go to the relationship between Duan and the unnamed parties, the extent to which any of them funds, controls, or directs this proceeding, and any continuing interest in it. The real-party-in-interest question also bears on a possible bar under 35 U.S.C. § 315(b), a concern the Board raised on the call. Ex. 1023, 24:13-15. Because of the recognized difficulty of taking depositions within the People's Republic of China, Patent Owner requests that Duan be produced for deposition outside the People's Republic of China, a point counsel did not contest on the call. Ex. 1023, 27:18-20. The deposition is directed solely at the real-party-in-interest question. *Kashiv*, IPR2018-00625, Paper 20.

VI. Conclusion

Patent Owner respectfully requests that the Board grant this motion and authorize the discovery set out in Ex. 2042. Per the Board's instructions (Ex. 1023, 30:19 – 31:1), additional (broader) requests are set out in an Appendix hereto for the Board's consideration.

Dated: June 1, 2026

Respectfully submitted,

/A. Justin Poplin/

A. Justin Poplin, Reg. No. 53,476

Hissan Anis, Reg. No. 65,943

AVEK IP, LLC

Counsel for Patent Owner

Appendix: Additional Requests Raised on the May 21, 2026 Call

The Board authorized Patent Owner to set out in an appendix the additional requests raised on the call, for the Board's consideration. Ex. 1023, 30:19-31:1. Patent Owner submits the following.

A-1. All documents and communications concerning who controlled, directed, or paid for any aspect of IPR2025-01231.

A-2. Documents sufficient to identify the source of funds used to pay the filing fees and attorney fees incurred in IPR2025-01231.

A-3. Documents sufficient to identify the fact and existence of any investigation conducted by counsel of record regarding the real party in interest question, and any nonprivileged factual findings of that investigation, including in response to Patent Owner's Preliminary Response in IPR2025-01231.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on June 1, 2026, a complete and entire copy of this Patent Owner's Motion for Additional Discovery, together with the Appendix and Exhibits 2040 and 2042, was provided via email on Petitioner's counsel of record at the following correspondence addresses:

Raymond Y. Chan
Glacier Law LLP
raymond.chan@glacier.law

Benjamin Weed
Glacier Law LLP
ben.weed@glacier.law

Wei Wang
Glacier Law LLP
wei.wang@glacier.law

Date: June 1, 2026

/A. Justin Poplin/
A. Justin Poplin
Reg. No. 53,476
Counsel for Patent Owner