

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.

U.S. Patent No. 7,841,729

Case No. IPR2025-01231

PATENT OWNER'S

OPPOSITION TO PETITIONER'S MOTION TO SUBSTITUTE PARTY

June 4, 2026

The identity of the real party in interest (“RPI”) is critical in IPR proceedings, at least because the determination may impact whether a petition may be granted and because real parties in interest are estopped from making challenges in court proceedings. *See Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1240-41 (Fed. Cir. 2018) (citing 35 U.S.C. §§ 315(b), 315(e)). “[W]here a patent owner provides sufficient rebuttal evidence that reasonably brings into question the accuracy of a petitioner’s identification of the real parties in interest, the burden remains with the petitioner to establish that it has complied with the statutory requirement to identify all the real parties in interest.” *Id.* at 1242 (internal citation and punctuation omitted).

Here, Patent Owner (“PO”) raised such evidence and brought into question the accuracy of petitioner’s identification of RPI. *See* Paper 7 at pp. 3-10. In response, counsel of record for Petitioner¹ stated on Jan. 2, 2026 that “Petitioner is the sole real party in interest.” *See* Paper 9 at p. 3. After receiving this assurance from Opposing Counsel, the Board instituted this IPR and admonished PO for not requesting discovery and proving the asserted RPI was incorrect. *See* Paper 12 at pp. 2, 8-11. In doing so, the Board committed reversible error by failing to make any factual determinations necessary to evaluate *whether Petitioner had satisfied its burden* to demonstrate that its petition was not time-barred based on the complaints served on other alleged RPIs. *See Worlds*, 903 F.3d at 1246 (reversing the USPTO for failing to make such factual determinations); *see also Yangtze Memory Tech. Co.*

¹ As noted below, Petitioner was deregistered on Dec. 11, 2025. So there is no actual Petitioner or actual counsel for Petitioner after that date. Attorneys who have filed papers in this case since Dec. 11 are referred to herein as Opposing Counsel or OC.

v. Micron Tech., Inc., IPR2025-00098 (Paper 38) at p. 6 (“In short, Petitioner’s failure to provide clarity as to its actual identity is fatal to its petitions.”).

It is now undisputed that the Jan. 2, 2026 statement by OC was false, since Petitioner was deregistered on Dec. 11, 2025. *See* Exh. 2043 at ¶¶ 10-11; Paper 21 at p. 1. As a result, OC seeks to substitute Ms. Qingqing Duan as the RPI for Shenzhen Ronglida Tech. Co. (“Petitioner” or “Ronglida”).

In the Motion to Substitute (Paper 21), OC focuses on Ms. Duan allegedly being the successor-in-interest to Ronglida’s property rights. But those arguments frame the inquiry incorrectly by being directed to assets instead of liabilities. The questions germane to the RPI issue in this case are: (1) whether Ms. Duan has carried her burden of proving that she – and only she – is the RPI; (2) whether, in any event, the Board should deny the Motion since granting it would allow estoppel under 35 U.S.C. § 315(e) to be avoided by dissolving a corporate entity and transferring the company’s assets to an individual; and (3) whether, in any event, the Board should deny the Motion since granting it would reward the false Jan. 2 statement that “Petitioner is the sole real party in interest.” and the failure to comply with the 21-day deadline to update a change in RPI under 37 C.F.R. § 42.8(a)(3).

As summarized in PO’s Prelim. Response (Paper 7 at pp. 9-10) (emph. added): The twelve other Neewer Defendants from the ’5218 Litigation are generally indistinguishable from Petitioner and [Neewer] and [Xing Ying Da], except for the fact that Petitioner has less than one-tenth of 1% of the total Neewer Defendants’ sales. All thirteen of the Neewer Defendants (including Petitioner) are working together, defending the ’5218 Litigation with the same law firm, filing joint briefing, and have a preexisting, established relationship

selling the same NEEWER-branded products on Amazon. Eight different interested parties claim to own the NEEWER brand with no documentation of any licenses, agreements, or arrangements between them – because all of these parties operate in reality as one entity. When beneficial, [Neewer] swears under penalty of perjury that it is the same as at least one of the Neewer Defendants; but when not beneficial, they claim to have no relationship. And the twelve Neewer Defendants that are not parties to this IPR are (along with [Neewer] and perhaps [Xing Ying Da], which are shown above to have ties to one another) the only clear beneficiaries of this IPR; if Petitioner funded this IPR on its own, the costs of the IPR have already surpassed Petitioner’s litigation exposure. **Thus, at least the other twelve Neewer Defendants are real parties in interest... and [Neewer] and [Xing Ying Da] are likely real parties in interest as well.**

Petitioner never denied that another party funded or controlled this IPR, instead arguing that PO “produced no evidence” of such funding or control. *See* Paper 9. Yet we know that Petitioner was not funding this IPR at least since Dec. 11, 2025 and that the Jan. 2, 2026 statement that “Petitioner is the sole real party in interest.” was false. Even now, Ms. Duan makes no showing of who has been funding and controlling the IPR – though it is her burden to prove that she is the correct and sole real party in interest.

Incredibly, OC has failed to inform the Board that Ms. Duan is the financial manager of Neewer, that she has been employed by Neewer for over a decade, and that she is also appointed as the designated contact person for Xingyingda, which is a wholly owned subsidiary of Neewer. *See* Exh. 2041 at pp. 4, 7.

Both Neewer and Xingyingda are discussed at length in PO’s Prelim. Response, including as cited above. According to information newly obtained by PO:

- Neewer adopted a strategy of using affiliate companies to register multiple Amazon stores to sell its products under the brand NEEWER to increase its market reach and brand exposure on Amazon. This is a method to circumvent Amazon's restriction on store/seller account registration and to protect its brand and operations on Amazon. Several sources pointed out that this is a strategy for Neewer to protect its NEEWER brand by having its employees establish companies to register Amazon stores (sellers). One former operations manager at Neewer stated that, under this strategy, if one or two Amazon stores (sellers) accounts were involved in trouble, the company's operations and sales activities would not be severely affected.
- Former employees of Neewer confirmed that Ronglida was established by Neewer to create Amazon stores to sell its products, that Ronglida did not have its own operations team, and its business was handled by the e-commerce team of Neewer, which has around a hundred employees.

See Exh. 2041 at pp. 7-8.

It is now even more clear that Ronglida (which was so unimportant that it was allowed to deregister) and Neewer's employee Ms. Duan are sham parties listed to avoid estoppel to Neewer and Xingyingda, as well as to the other parties in the related litigation. Ms. Duan has not carried *her burden* of showing that she is the correct and sole RPI, and the Board cannot properly substitute her as the RPI. See *Worlds Inc.*, 903 F.3d at 1240-41.

Moreover, if the Board were to grant the Motion, it would allow estoppel under 35 U.S.C. § 315(e) to be avoided by dissolving a corporate entity and transferring the company's assets to an individual. What we have here is a corollary to the US saying of "sell stock, buy assets" – the *liabilities* of a Chinese company do not automatically transfer to the shareholder upon deregistration. See Exh. 2044 at

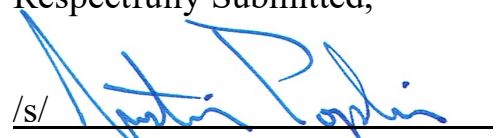
¶¶ 10-11. So there would be no real estoppel related to this IPR under § 315(e).

And in any event, granting the Motion would improperly reward the false Jan. 2 statement and the failure to comply with the deadline under § 42.8(a)(3). As the Board's deadline for deciding whether to institute IPR was Jan. 20, 2026, *see* 35 U.S.C. § 314 (b)(1), the false statement filed Jan. 2, 2026 is particularly egregious; had the Board been made aware of Petitioner's deregistration, there is a significant possibility that the IPR would not have been granted. And the only reason this came to light at all is because PO hired a private investigator to learn more about Petitioner. Thus, it would be appropriate to deny the Motion under 37 C.F.R. §§ 42.12(a)(1), (a)(3), (a)(6), (b)(1)-(3), and/or (b)(8) (providing sanctions based on failure to comply with rules, misrepresentations of facts, and abuse of process).

Ms. Duan has not carried *her burden* of showing that she is the correct and sole RPI, granting the Motion would undermine § 315(e), and granting the Motion would improperly reward OC's misrepresentation and failure to comply with applicable rules. For each of these reasons, PO respectfully requests that the Board deny the Motion. And, based on the information uncovered by PO's private investigator and any information obtained through the requested discovery, PO expects to ultimately request permission to file a motion for sanctions against Neewer, the other 12 Neewer Defendants, and potentially OC (which should have investigated the issue before filing the false Jan. 2 representation instead of simply continuing to take instructions from a longstanding Neewer employee, and which has extended this case by trying to install Ms. Duan as another sham party).

Dated: June 4, 2026

Respectfully Submitted,


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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on June 4, 2026, a complete and entire copy of this PATENT OWNER'S OPPOSITION TO PETITIONER'S MOTION TO SUBSTITUTE PARTY was served via email on Petitioner's counsel of record at the following correspondence addresses:

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