

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.

IPR2025-01231
Patent 7,841,729 B2

Before BART A. GERSTENBLITH, KEVIN W. CHERRY, and
MARY C. HOFFMAN, *Administrative Patent Judges*.

HOFFMAN, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
Granting Petitioner's Motion to Substitute Party
37 C.F.R. § 42.5

Petitioner filed a Motion to Substitute Party (Paper 21 (“Motion” or “Mot.”)), having received prior authorization to file the Motion during a teleconference with the Board on May 21, 2026. In the Motion, Petitioner seeks to replace Shenzhen Ronglida Technology Co. Ltd. (“Ronglida”) with Ms. Qingqing Duan. Mot. 1. Patent Owner timely filed an Opposition to the Motion (Paper 26 (“Opposition” or “Opp.”)). For the reasons set forth below, the Motion is granted.

On July 11, 2025, Ronglida filed a Petition for *Inter Partes* Review (Paper 1 (“Pet.”)). In the Petition, Ronglida identified itself as the sole real party in interest (Pet. 52), a position Ronglida confirmed in its Reply to Patent Owner’s Preliminary Response, filed January 2, 2026 (Paper 9, 3). It is undisputed that Ronglida was de-registered as a Chinese corporate entity on December 11, 2025. Mot. 1; Opp. 1 n.1.

On May 20, 2026, Petitioner filed Updated Mandatory Notices naming Ms. Duan¹ as the new sole real party in interest. Paper 19, 2. In the Motion, Petitioner asserts that Ms. Duan was the sole, 100% shareholder of Ronglida at the time of de-registration and is the successor in interest to all of Ronglida’s property rights. Mot. 1–2 (citing Exs. 1020–1022).

In its Opposition, Patent Owner argues that the Motion should be denied for the following reasons:

1. granting the motion 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 (Opp. 2, 4–5);

¹ Ms. Duan has signed each of Petitioner’s Powers of Attorney in this proceeding. Papers 2, 11, 20.

2. granting the motion would reward Petitioner’s January 2, 2026, false statement that Ronglida was the sole real party in interest (*id.* at 2, 5);
3. granting the motion would reward Petitioner’s failure to comply with the 21-day deadline under 37 C.F.R. § 42.8(a)(3) to update a change of real party in interest (*id.* at 2);² and
4. Ms. Duan has not shown that she is the correct and sole real party in interest in this proceeding (*id.* at 2–5).³

The question we are faced with here is whether to allow a substitution of Petitioner—from Ronglida to Ms. Duan. The Board generally grants unopposed party substitution of a successor in interest. *10x Genomics, Inc. v. Bruker Spatial Biology, Inc.*, IPR2023-01300, Paper 21 (PTAB July 30, 2024); *Bruker Spatial Biology, Inc. v. President and Fellows of Harvard College*, IPR2024-00526, Paper 13 (PTAB July 24, 2024); *Lumentum Holdings, Inc. v. Capella Photonics, Inc.*, IPR2015-00739, Paper 27 (PTAB Jan. 29, 2016). Although Patent Owner opposes the Motion, Patent Owner does not challenge Petitioner’s contention and supporting evidence⁴ that

² Ronglida’s de-registration was raised initially to the Board by Patent Owner on May 11, 2026. Ex. 3003. On May 20, 2026, more than five months after Ronglida’s December 11, 2025, de-registration, an Updated Mandatory Notice was filed naming Ms. Duan as a real party in interest in this proceeding. Paper 19.

³ Patent Owner argues that Ronglida and Ms. Duan are “sham parties listed to avoid estoppel to [unnamed real parties in interest] Neewer and Xingyingda, as well as to the other parties in the related litigation.” Opp. 4.

⁴ Petitioner provides a PRC Legal Declaration of Qiao Li, in which Qiao Li opines that, under Chinese law, Ms. Duan is Ronglida’s successor in interest. Ex. 1022.

Ms. Duan is Ronglida's successor in interest. *See generally* Opp. As Petitioner's proposed substitution is merely to conform the pleadings in this case with the legal reality that Ronglida no longer exists and that Ms. Duan has, through the automatic action of law, become its successor, we determine Petitioner has established good cause to grant the Motion.⁵

In response to Patent Owner's specific arguments, we disagree that granting the Motion allows Ronglida to avoid the estoppel provision under 35 U.S.C. § 315(e). As Patent Owner explains, Ronglida is a de-registered entity that "ceased to exist." Ex. 3003. We do not see how estoppel is relevant to a de-registered entity. The estoppel provision would, however, apply to Ronglida's successor in interest, Ms. Duan, provided that the instant proceeding results in a final written decision under 35 U.S.C. § 318(a).

Patent Owner urges the Board to deny Petitioner's Motion based on Petitioner's failure to comply with the 21-day deadline to update a change of real in party in interest, but "the Board also has the discretion, under 35 U.S.C. § 312(a), to accept updated mandatory notices submitted after the 21-day period of time and for reasons other than changed circumstances, as long as there is no time bar under 35 U.S.C. § 315(b)." *Intel Corp. v. Hera*

⁵ Although the Federal Rules of Civil Procedure do not apply to *inter partes* reviews, we find Rule 25(c) to be instructive. Rule 25(c) provides procedures for substitution of parties in civil actions, including where the original party transfers its interest to another party. Rule 25(c) states, "If an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined with the original party." The rule acknowledges that a court may order party substitution so that legal proceedings may continue despite a change in the parties involved.

Wireless S.A., IPR2018-01372, Paper 24 at 3–4 (PTAB Jan. 9, 2019). Here, Patent Owner does not allege Ms. Duan would be time barred.

We also find that the resolution of the issues here, including the real party in interest issue, would be in the interests of justice. *See* 37 C.F.R. § 42.5(c)(3) (“A late action will be excused on a showing of good cause or upon a Board decision that consideration on the merits would be in the interests of justice.”); 37 C.F.R. § 42.5(b) (“The Board may waive or suspend a requirement of parts 1, 41, and 42 and may place conditions on the waiver or suspension.”); *see, e.g., Lumentum Holdings, Inc. v. Capella Photonics, Inc.*, IPR2015-00739, Paper 38 at 2–3 (PTAB Mar. 4, 2016) (precedential) (explaining, as background regarding the motion decided in the decision, that the Board “accepted [p]etitioner’s late-filing of [an] updated mandatory notice” reflecting new real parties in interest resulting from corporate reorganization, citing 37 C.F.R. § 42.5(c)(3)); *Valeo N. Am., Inc. v. Magna Elecs., Inc.*, IPR2014-00220, Paper 45 at 3–4 (PTAB Jan. 8, 2015) (“excus[ing] the late filing of [petitioner’s] Updated Mandatory Notice” to reflect a new real party in interest resulting from a corporate merger, reasoning that “consideration of the merits would be in the interests of justice” and citing 37 C.F.R. §§ 42.5(b), 42.5(c)(3)).

Thus, in light of the circumstances here, we accept Petitioner’s untimely updated mandatory notices in this instance; however, Petitioner is warned that we are unlikely to accept further untimely filings from Petitioner in this proceeding.

With respect to Patent Owner’s real party in interest arguments, including the veracity of the January 2, 2026, statement that Ronglida was the sole real party in interest, we grant Patent Owner’s motion for additional

discovery in an order issued contemporaneously with this Order. Should Patent Owner wish to pursue its arguments related to real party in interest, Patent Owner may do so by filing a motion to terminate following the additional discovery authorized by the Board according to the schedule agreed to by the parties as set forth in our order on that motion. The decision we reach here regarding Petitioner's Motion to Substitute recognizes the legal reality of Ronglida's de-registration and Ms. Duan's succession to its interests and is not a determination on the question of whether Petitioner has correctly identified the real party (or parties) in interest.

It is hereby ORDERED that

Petitioner's Motion to Substitute Party (Paper 21) is *granted*, contingent on Ms. Duan agreeing to adopt all prior filings, positions, and obligations taken by Ronglida in this proceeding;⁶

FURTHER ORDERED that we accept Petitioner Duan's late-filed Updated Mandatory Notices (Paper 19) naming Ms. Duan as the real party in interest, and Power of Attorney (Paper 20);

FURTHER ORDERED that Petitioner update its mandatory notice (Paper 19) to correctly identify Qingqing Duan;⁷ and

⁶ If Ms. Duan declines to adopt all prior filings, positions, and obligations taken by Ronglida in this proceeding, Petitioner must inform the Board within five (5) days of the mailing of this Order.

⁷ For clarity, Petitioner also is required to further update its mandatory notice (Paper 19) to correctly identify Qingqing Duan. *Compare* Mot. 1

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FURTHER ORDERED that documents filed in the proceeding after entry of this Order shall use the following caption:

QINGQING DUAN,
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v.

PATHWAY IP LLC,
Patent Owner.

(repeatedly referring to “Ms. Duan”), *with* Paper 19 (referring to “Mr. Duan”).

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For PETITIONER:

Raymond Chan
GLACIER LAW LLP
raymondcd@davidandraymond.com

For PATENT OWNER:

Allen Poplin
Hissan Anis
AVEK IP, LLP
jpoplin@avekip.com
hanis@avekip.com