

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JESCO LIGHTING GROUP, LLC,
Petitioner,

v.

AGS LIGHTING MANAGEMENT LLC,
Patent Owner.

Case No. IPR2025-01328
Patent No. 11,751,302

**PETITIONER'S OPPOSITION TO PATENT OWNER'S
REQUEST FOR DISCRETIONARY DENIAL OF INSTITUTION**

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I. INTRODUCTION

Patent Owner's demand for discretionary denial should be rejected.¹ This case presents as straightforward a case for referral as could possibly exist. The '302 Patent only issued twenty-two months before the filing of the Petition and the bulk of any alleged delay is attributable to *Patent Owner's decision to silently lie in wait for nearly a full year* after Petitioner sought to hold licensing negotiations to understand its allegations. In short:

- The '302 Patent issued on September 5, 2023, only *twenty-two months* before Petitioner's filed for *Inter Partes* Review.
- Petitioner first learned of the '302 Patent in approximately November of 2023 by letter. This letter included no claim charts or even an express allegation of infringement.
- Petitioner promptly retained counsel and engaged on ongoing and prompt discussions with Patent Owner over the next five months, investigating Patent Owner's allegations (which it never explained).
- In early March 2024 Petitioner notified Patent Owner that certain claim elements were missing from Plaintiff's products. Petitioner's counsel sought to meet to better understand Plaintiff's allegations.

¹ Petitioner notes that Patent Owner's 30 page brief appears to significantly exceed the 20 page limit. See <https://www.uspto.gov/patents/ptab/interim-director-discretionary-process>.

- ***Patent Owner Never got Back to Petitioner and Instead Waited Nearly a Full Year, allowing the PGR period to expire.***
- Patent Owner—without warning—filed suit in February 2024 in the District of Delaware (“The Delaware Case”).
- Petitioner spent approximately five months conducting a prior art search and preparing a complex Petition which addressed all 20 claims. Unlike most cases, Petitioner filed its Petition before a scheduling order had issued or infringement contentions had been served.
- Trial will not occur until December 2027. The Final Written Decision in this proceeding will occur in January 2027 and precede not only trial, but summary judgment, expert discovery, final contentions, and the *Markman* hearing.

Patent Owner’s characterization of the Petition as weak is inaccurate. Indeed, the Petition provides multiple obviousness grounds based upon predictable and in many cases trivial modifications and combinations and includes careful analysis and argument. Patent Owner’s criticisms are incoherent, on one hand claiming that the expert testimony merely “parrots” the Petition but at the same time claiming that it relies *too much* on expert testimony. In truth the Petition provides clear obviousness rationales and identification of subject matter in the

prior art that is properly supported by additional expert testimony which provides context about the art. Indeed, Patent Owner cannot identify *any* substantive flaws with the Petition, instead only complaining about the organizational manner in which the Petition identifies duplicative claim elements.

Fintiv factors favor granting the petition. The District of Delaware has nearly always granted stays in similarly situated cases. The Final Written Decision in this matter will issue nearly eleven months before the December 2027 trial, preceding not only consideration of the extensive written prior art in this matter, but all expert discovery, depositions, and even the claim construction hearing. As of the time of this filing the parties have served virtually no discovery and no contentions. No discovery disputes have occurred. No Protective Order has issued. Petitioner has served a broadened *Sotera* stipulation which will eliminate any duplicative issues between the Petition and Delaware Case. Additional factors such as the merits of the Petition and the identification of purportedly missing limitations in the prior art further support referral.

II. THE DIRECTOR SHOULD REJECT PATENT OWNER'S SPECIOUS REQUEST FOR DISCRETIONARY DENIAL

A. Patent Owner Has No Settled Expectations Because its Patent issued in Late 2023 and Patent Owner Ignored Petitioner's Request for Meetings and Waited a Year to File Suit

1. The Parties' Early Negotiations

The '302 Patent issued on September 5, 2023. Ex. 1001. Approximately two months later Patent Owner contacted Petitioner regarding its allegations of infringement of the '302 Patent, with an offer to discuss licensing until November 15, 2023. Ex. 2001. This letter made no express allegation of infringement and did not provide any substantive explanation for its allegations. Petitioner promptly responded two weeks later, on November 14, 2023, asking for more time to investigate Patent Owner's unspecified allegations. Ex. 2002. Petitioner, a small entity, with no in-house legal support promptly investigated this matter. It determined that the features accused by Patent Owner were well known in the prior art and provided evidence of this to Patent Owner. Ex. 2004.

Petitioner and Patent Owner communicated over the next two months during which time Petitioner further investigated Patent Owner's claims. Having conducted additional diligence Petitioner reiterated its allegations that the claims of the '302 Patent were invalid over the prior art and provided additional evidence. Ex. 2006 at 1; Ex 2007. On February 8, 2024, Patent Owner responded, disagreeing with Petitioner's position without any explanation or rebuttal

whatsoever. Ex. 2008. At no point did Patent Owner engage with Petitioner's arguments or provide any explanation of its own allegation of infringement.

At this stage Petitioner, realizing that Patent Owner was not willing to disclose its positions, retained the undersigned counsel, who has extensive experience in patent licensing negotiations. On Mar. 7, 2024, Petitioner's new counsel sought clarification on Patent Owner's allegations, particularly how the "driver circuit configured to output a . . . plurality of currents" limitation could be met. Ex. 1022. Petitioner requested a meeting to discuss the substance of these allegations. *Id.* Patent Owner agreed to a meeting and promised to schedule one but never did so.

2. Patent Owner Files Suit After A Year of Radio Silence

Up to this stage, the parties had engaged in typical, even accelerated negotiations over a five-month period. Petitioner raised concerns about the validity and infringement of the '302 Patent. At no point did Patent Owner ever respond to Petitioner's validity concerns or provide any explanation of Patent Owner's infringement allegations. When Petitioner sought to hold a meeting to understand Patent Owner's allegations, Patent Owner never did so.

Nearly a year later, without further warning, Patent Owner filed its complaint in the Delaware Case. Ex. 2014. As is typical in these matters, Petitioner obtained a short (30 day) extension to evaluate Patent Owner's Complaint, which

for the first time provided any articulation of its infringement theories and/or an application of the claims to an actual product. Ex. 2014.

Patent Owner's Complaint included many deficiencies which made an Answer challenging. Petitioner moved on March 27, 2025 to dismiss Patent Owner's Complaint. Ex. 2014. The parties concluded their briefing in April 2025 and the Court set its hearing date for July 24, 2025. *Id.* At any point after Petitioner's March 2025 motion, Patent Owner *could* have amended its Complaint to address the deficiencies in its Complaint, which is a typical and efficient manner to foreclosing these issues. Instead, Patent Owner waited nearly four months for the Court's hearing. While the Court ultimately allowed Patent Owner to proceed with its Complaint, it noted that it was applying a lenient standard and permitting Patent Owner to remedy the deficiencies of its complaint its infringement contentions. Ex. 1023, 4:4-11, 5:1-9.

Plaintiff again delayed the proceedings by refusing the stipulate to a schedule that complied with the Court's scheduling practices. Ex. 1024. The Court rejected Patent Owner's demands and issued the scheduling Order setting a trial date for December 2027, nearly a year after the Final Written Decision is due in this proceeding. Under the Court's schedule, not only is trial well after the Final Written Decision, but so is dispositive motion briefing, expert discovery, and the *Markman* hearing. Ex. 1025 at 14-15.

3. No Precedent Finds Settled Expectations for a Patent Less than Two Years Old

Patent Owner makes hay of the decision not to file a PGR challenge, but it was *Patent Owner* that failed to respond to Petitioner's request for licensing negotiations and *Patent Owner* who allowed the PGR period to expire while lying in wait for a year. Further, even if this delay were not driven mainly by Patent Owner's *year of silence*, Patent Owner cannot claim settled expectations for a patent that only issued twenty-two months before filing of the Petition. In *Dabico*, the Acting Director described the bounds of settled expectations as being similar to those of infringement damages, *namely six years*. *Dabico Airport Sols. v. AXA Power APS*, IPR2025-00408, Paper 21 at 3 (P.T.A.B. June 18, 2025).

There can be no reasonable claim of settled expectations, let alone strong settled expectations because the patent has “not been in force for a significant period of time.” *See Microsoft Corp. v. Edge Networking Sys., LLC*, IPR2025-00617, Paper 12 at 2 (P.T.A.B. July 31, 2025) (challenged patent issued for approximately four years has “not been in force for a significant period of time”); *Advanced Micro Devices, Inc. v. Concurrent Ventures, LLC*, IPR2025-00479, Paper 10 at 2 (P.T.A.B. July 10, 2025) (“the challenged patent issued [approximately four years ago], and Patent Owner has not developed strong settled expectations that favor discretionary denial”). To the contrary, Petitioner presents

an “early challenge” that serves to promote “robust, predictable patent rights,” which “weigh[s] against discretionary denial.” *Microsoft*, IPR2025-00617, Paper 12 at 2; *see also Micron Tech., Inc. v. Yangtze Memory Techs. Co. Ltd.*, IPR2025-00190, Paper 21 at 3 (P.T.A.B. June 25, 2025) (describing a four-year old patent has having been “issued recently” and was subject to an “early challenge”).

Cambridge Indus. is instructive here. *See Cambridge Indus. v. Applied Optoelectronics, Inc.*, IPR2025-00434, Paper 11 at 2-3 (P.T.A.B. June 26, 2025). In *Cambridge* the Acting Director held that the Patent Owner had no settled expectations for patents that issued in between five and six years prior because those patents “have not been in force for a significant period of time.” *Id.* at 2. Accordingly, the ’302 Patent, which issued in *late 2023* cannot be the basis for any settled expectations.

Patent Owner’s authorities cannot support its demand for discretionary denial. For example, in the *Nvidia* case, even though the patent itself had reissued two years earlier, the original patent had been known to the petitioner for at least eight years. *See Nvidia Corp. v. Neural AI, LLC*, IPR2025-00606, Paper 18 at 2-3 (P.T.A.B. July 31, 2025). Indeed, the Board noted that if not for the original patent, the challenge of a patent issued only two years earlier “**would counsel against discretionary denial.**” *Id.* at 2 (emphasis added). Further in *Nvidia*, the Final Written Decision was not scheduled to issue until *after* the jury trial.

In the *Samsung '793* matter there was a portfolio of twelve patents, dating back nine years that were addressed together. *Samsung Elec. Co., Ltd., et al. v. GenghisComm Holdings LLC*, IPR2025-00793, Paper 12 at 2 (P.T.A.B. Aug. 22, 2025). The Board based its opinion not on the age of the patents, but rather on the “same discretionary considerations presented in IPR2025-00780 [‘Samsung ’780’].” *Id. citing Samsung Elec. Co., et al. v. GenghisComm Holdings LLC*, IPR2025-00780, Paper 11 (Director Aug. 14, 2025). In the *Samsung '780* matter the Final Written Decision was not scheduled to issue until *nearly nine months after the trial date*, which formed the basis for the Director’s decision to deny institution. *Id.* at 2. In the present case, a Final Written Decision would precede not only trial, but expert discovery, expert reports, and claim construction.

iRhythm Techs. is similarly inapplicable. *See* Motion citing *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-00363, Paper 10 (P.T.A.B. June 6, 2025). The patents in *iRhythm* had been in force and known to the petitioner for more than *twelve* years before the Petition was filed. Even the youngest patent had issued six years earlier. *Id.* at 1 (identifying patents). Such precedent is not applicable here where the challenged patent has been in force less than two years and the vast majority of the delay was due to Patent Owner’s intentional strategy. Similarly, in *Belden* the challenged patent had been in force for *nine* years and the patented invention had been commercialized, marked and marketed for at least seven years.

See Belden Inc., et al. v. Commscope, Inc. of North Carolina, IPR2025-00833,

Paper 13 at 2-3 (P.T.A.B. Sept. 12, 2025).

B. Patent Owner's Complaints About the Petition and Expert Declaration are Meritless and Contradictory

Patent Owner offers a series of conclusory and contradictory criticisms of the Petition and expert declaration. Indeed, it is telling that Patent Owner cannot identify any actual deficiencies with respect to the prior art, instead pointing to organizational sentences where Petitioner or its expert map language to previously analyzed claim limitations. Patent Owner points to these mappings of duplicative claim elements because it cannot identify substantive deficiencies in Petitioner's arguments or examples of improper reliance on expert testimony.

On one hand, Patent Owner argues that the Petition relies too heavily on expert testimony and the expert declaration is too long and full of analysis. At the same time Patent Owner falsely argues that the expert testimony merely mirrors the petition. In truth neither of these complaints are valid. The Petition provides a careful analysis of the claim elements and the expert declaration from Dr. Gary Eden an accomplished expert with extensive experience in LED lighting, provides further explanation and technical background for the arguments made by the Petition. The Declaration is approximately 70 percent longer than the Petition, but this is largely the result of Dr. Eden's extensive background discussion (22 Pages), his extensive professional background (13 pages) and the fact that he provides

background and technical details which further support the analysis in the Petition.

The large number of citations is a product of the fact that more than twenty claims and a hundred claim elements are challenged.

Tellingly, Patent Owner does not identify *any* portions of the report where Petitioner relies on Dr. Eden's declaration to fill in any gaps. *See Cambridge Indus. v. Applied Optoelectronics, Inc.*, IPR2025-00434, Paper 11 at 2-3 (P.T.A.B. June 26, 2025) (rejecting request for discretionary denial when "Patent Owner does not identify any portions of the expert testimony that suggest Petitioner is using its expert to fill gaps in the prior art").

Nor does the Declaration "parrot" the petition, as Dr. Eden provides elaboration and explanation for key elements. *Compare* Petition at 12-18, 19-29, 40-41 to Ex. 1002 at ¶¶110-132, ¶¶139-175, ¶¶210-231, respectively where Dr. Eden provides elaboration and technical background for the Petition's clearly articulated anticipation and obviousness arguments. The "evidence" for parroting that Patent Owner points to is an explanatory table and summary paragraphs that relate the elements of claim 10 to previously analyzed claim 1. Claim 10 repeats many of the same elements of claim 1 and the table which appears in similar fashion in both the Petition and Declaration identifies which redundant elements in claim 1 correspond those in claim 10. This type of comparison is both proper and allowed. *See Comcast Cable Commc'n, LLC v. Entropic Commc'n, LLC*, IPR2024-

00438, Paper 14 at 21 (P.T.A.B. Oct. 4, 2024), (noting that “Elements 13A, 13B, 13C, and 13E are similar to elements 1A, 1B, 1C, and 1E.” and that “Petitioner relies primarily on its analysis for claim 1.”); *see also Amazon.com, Inc., et al v. NL Giken Inc.* IPR2024-01345, Paper 14 at 22 (P.T.A.B. Mar. 26, 2025).

(“Independent claims 5 and 9 recite substantially similar limitations to claim 1 . .

For these claims, Petitioner relies on the same evidence and arguments as discussed above with claim 1.”) *See id.* at Paper 1, Amazon.com Petition at 27-28.

In accusing the Petition of being conclusory or relying on “common sense” the “evidence” of conclusory analysis is again recitation of a duplicative claim element. As explained by Dr. Eden and described in the petition, claim 1 recites that a second fixture having identical characteristics to the first (*i.e.*, first and second pluralities of LEDs, each having a color temperature). The Petition and Dr. Eden explain how the numerically identified elements of this second fixture would be met by the previously identified elements of the first fixture in combination with the prior art’s disclosure of a second identified fixture. Petition at 30, Ex.

1002¶¶178-180. Thus for example, if Edwards discloses a first fixture with first and second pluralities of LEDs and another second identical fixture, that fixture would necessarily have third and fourth pluralities of LEDs. Such disclosure is similar to what is shown in the ’302 Patent, which does not enumerate the additional pluralities of LEDs or color temperatures but allows the reader to

understand these straightforward aspects of the features which would be present in a second fixture. Ex. 1001 at 10:28-44. This straightforward mapping of duplicate elements is not a substitute of common sense for technical analysis. *See Comcast Cable Commc'n, LLC v. Entropic Commc'n, LLC*, IPR2024-0438, Paper 14 at 21 (P.T.A.B. Oct. 4, 2024); *Amazon.com, Inc. et al v. NL Giken Inc.*, IPR2024-01345, Paper 14 at 22 (P.T.A.B. Mar. 26, 2025).

Patent Owner appears to take issue with the use of the word “POSA” to imply that the analysis in the Petition is conclusory. Not so – the Petition provides careful identification of the claim elements in the prior art and where appropriate careful obviousness rationale explaining why the art would be modified. *See. e.g.* Petition at 12-29, 61-72.

Similarly, Patent Owner’s claim that the Petition provides an incomplete *Graham* analysis or conclusory obviousness rationales based on hindsight are simply false. Petitioner provides specific descriptions of which features are taken from each prior art reference, how they would be modified, and the motivation for doing so. *See e.g.* Petition at 15-17, 53-55, 63-68. As with Patent Owner’s other alleged arguments, it offers no examples of claim elements that are not adequately explained.

III. THE *FINTIV* FACTORS SUPPORT REFERRAL

The *Fintiv* Factors each favor rejecting Patent Owner’s demand for discretionary denial or are at worst, neutral. With respect to factor 1, the presiding judge in the Delaware Case almost always grants stays after institution and has always granted stays in similar circumstances. With respect to factor 2, trial is not scheduled to take place until January 2027, nearly a year after a Final Written Decision. With respect to Factor 3, the case is at a very early stage with no contentions exchanged, and virtually no discovery having taken place. With respect to factor 4, Petitioner has served a *Sotera* stipulation in which it commits to not address the same issues in the district court litigation, including prior art systems corresponding to the publications that are asserted in the grounds of the Petition. With respect to factor 5, the parties are the same in the district court. With respect to factor 6, additional factors support referral – the merits are very strong as evidenced by the Patent Owner’s inability to identify any actual deficiencies in the prior art and Petitioner’s arguments. *See Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 6 (P.T.A.B. Mar. 20, 2020) (precedential) (“*Fintiv I*”); *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 at 7- 8 (P.T.A.B. May 13, 2020) (informative, designated July 13, 2020) (denying institution) (“*Fintiv II*”).

A. Petitioner Will be Granted a Stay (*Fintiv* Factor 1)

The first *Fintiv* factor—whether a stay exists or is likely to be granted if a proceeding is instituted—weighs strongly against discretionary denial. Petitioner filed at an extremely early stage of the case, choosing to challenge all claims instead of waiting for infringement contentions. Judge Noreika grants or partially grants 84% of motions to stay pending instituted IPRs. Ex. 1026. Further, because of the early stage of the case, a stay is even more likely if not assured. Judge Noreika’s denied stays involved cases in much later stages of the proceedings. Petitioner has not yet moved for a stay because the district disfavors stays before initiation of IPR proceedings. *See, e.g., Waters Corp., et al. v. Agilent Techs., Inc.*, No. 1:18-cv-01450, Dkt. 95 (D. Del. Aug. 6, 2019) (denying “request to stay the litigation pending IPR without prejudice to renew after the P.T.A.B. decision on institution”). While it is tautologically true that all stay motions are fact specific it is nevertheless the practice of the District of Delaware to grant stays for *Inter Partes* Review when filed early in the proceeding.

B. Proximity of Trial Favors Referral (*Fintiv* Factor 2)

Trial in the district court case is set for December 2027, nearly a year after issuance of a Final Written Decision. This factor strongly favors referral. As set forth above, Patent Owner’s complaints about the delay from Petitioner challenging its vague complaint are meritless – Patent Owner could have amended

its Complaint and nullified the issues if it had chosen to do so. It decided to wait four months for the Court to adjudicate the dispute. It should not now complain about the status of the case. Furthermore, *even if* Patent Owner's fictional 170-day delay were removed from the schedule, trial would still be set *more than five months* after the Final Written Decision in the *Inter Partes* Review proceeding. Accordingly, this factor strongly favors rejecting discretionary denial.

C. The District Court Case is in an Early Stage (*Fintiv* Factor 3)

This factor disfavors discretionary denial because “a significant portion of work remains to be done in the district court proceeding.” *Protect Animals With Satellites LLC v. OnPoint Sys., LLC*, IPR2021-01483, Paper 11 at 15 (P.T.A.B. Mar. 4, 2022). Patent Owner effectively ignores this factor, knowing that there has been virtually no investment in the case. Patent Owner has served only two requests for production, requesting product samples (not documents), and no interrogatories.. Despite having the option of doing so, Patent Owner has chosen not to serve its infringement contentions, instead waiting until the latest possible deadline of December 2025. Invalidity contentions are not due until February. No claim construction proceedings have occurred. Patent Owner refers to its preparation and demonstratives for a hearing but these were a handful of power point slides. All of these factors strongly favor rejecting discretionary denial. Patent Owner cites *10 X Genomix*, but in that case the Petition was filed nearly a

full year after the district court case was filed and the Petition was considered after exchange of contentions, completion of document production claim construction, briefing and a hearing. *See 10X Genomics, Inc. v. President and Fellows of Harvard Coll.*, IPR2023-01299, Paper 15 at 18 (P.T.A.B. Mar. 7, 2024). Here Petitioner filed before a scheduling order had even been issued.

Patent Owner rehashes its previous arguments about delays in the case proceeding, but as described above, these were fully avoidable by Patent Owner. For example, Patent Owner complains about “scheduling disputes” but it was *Patent Owner* who disputed the schedule, causing a delay of nearly a month while the Court considered the dueling proposals before agreeing to grant *Petitioner’s* proposed schedule.

D. Overlap of Issues Supports Referral (*Fintiv* Factor 4)

The overlap of issues favors rejecting referral. Petitioner has provided a broadened *Sotera* stipulation (Ex. 1027) which in addition to the normal terms additionally excludes the use of system prior art corresponding to the references asserted in the grounds of the Petition. This broadened *Sotera* stipulation effectively eliminates potential overlap of the invalidity challenges covered in this proceeding and the Delaware Case, and mitigates concerns of duplicative efforts or potentially conflicting decisions. Particularly where, as here, the Delaware Case will be stayed, the stay ensures there will no duplicative effort.

Additionally, the Petition seeks review of all 20 claims whereas many of those claims will not be considered in the Delaware case because they indisputably claim features not present in Petitioner's products, even under Patent Owner's strained interpretation.

Thus, Factor 4 weighs against discretionary denial. Because of Petitioner's stipulation, the *SAP* case cited by Patent Owner is inapposite because here there is no overlapping system/publication prior art such that the same substantive issues would be again raised in the district court litigation. *See SAP Am., Inc. v. Cyandia, Inc.*, IPR2024-01432, Paper 14 at 9-10 (P.T.A.B. Apr. 7, 2025).

E. The Same Parties are in the District Court Litigation (*Fintiv* Factor 5)

Where the IPR and litigation involve the same parties, factor 5 is neutral. *Google LLC, et al. v. Parus Holdings, Inc.*, IPR2020-00846, Paper 9 at 20-21 (P.T.A.B. Oct. 21, 2020) (granting institution). While it is true that the parties are the same there should be no duplication of effort because the Delaware Court will stay its proceedings should this proceeding be instituted. Even if Patent Owner prevails, this proceeding would likely eliminate a significant portion of the invalidity issues. If Petitioner prevails the district court proceeding will be eliminated entirely. Even if there is no stay at all, the Final Written Decision will occur before the claim construction hearing, expert discovery, and trial, potentially reducing a huge burden on the Delaware Court.

F. The Additional Factors Discussed Herein Favor Rejecting Patent Owner's Request (*Fintiv* Factor 6)

As discussed above, Petitioner has acted with exceptional dispatch to respond to Patent Owner's allegations. It responded promptly to Patent Owner's claims of infringement and sought licensing negotiations, only to have Patent Owner disappear for a year before filing suit. Once suit was brought Petitioner moved aggressively to seek *Inter Partes* Review, not even waiting for infringement contentions. Patent Owner's manipulative tactics should not be countenanced.

An additional factor supporting referral is that the '302 Patent was granted only on narrow grounds. *See e.g.* Petition at 3. Initially, claims 1-9 of the application that issued as the '302 Patent were rejected and claims 10-20 were allowed. Ex.1004-11-22-2022 Action. The applicants amended claim 1 to incorporate one of the limitations of the allowed claims; in particular, the ability to electrically couple the claimed fixture to an additional LED fixture having similar structural and functional characteristics. Ex.1004-1-25-2023 Amendment. Ex.1002¶¶43-44, 79-82. In the context of claim 1 this term appears as

“wherein the linear LED lighting apparatus is configured to electrically couple to an additional linear LED lighting apparatus having a second length different than the first length by a scale factor, wherein the additional linear LED lighting apparatus is configured to produce a third light having the first color temperature via a third

plurality of LEDs or a fourth light having the second color
temperature via a fourth plurality of LEDs.”

Claim 1(h).

This feature is undoubtedly present in the prior art. As set forth in the Petition, both the Edwards and May references include this feature. Petition at 30 citing Ex.1005-15:52-58 and 70 citing Ex.1008¶¶113, 190, 191, 238, 282, Fig. 22. Accordingly, this identification of the missing element upon which allowance was granted further supports referral.

Patent Owner’s justifications for this factor are specious. As set forth above Patent Owner does not even identify any substantive challenges to the Petition, instead providing only procedural complaints about how Petitioner addressed duplicative claim elements. Patent Owner alleges that it manufactures the patented technology but offers no evidence that that its products practice the ’302 Patent.

IV. CONCLUSION

For the reasons above, Petitioner respectfully requests that the Director reject Patent Owner’s demand to deny institution of *Inter Partes* Review under these facts.

Dated: November 3, 2025

Respectfully submitted,

/s/ David C. Radulescu
David C. Radulescu, Lead Counsel
Reg. No. 36,250

EXHIBIT LIST

Exhibit No.	Description
EX1001	U.S. Patent No. 11,751,302
EX1002	Declaration of J. Gary Eden
EX1003	Curriculum Vitae of J. Gary Eden
EX1004	U.S. Patent No. 11,751,302 File History
EX1005	U.S. Patent No. 9,995,440B2 (“Edwards”)
EX1006	U.S. Patent Appln. 2019/0320515A1 (“Sadwick”)
EX1007	U.S. Patent No. 10,683,969B2 (“Jeswani”)
EX1008	U.S. Patent Appln. 2019/0041009A1 (“May”)
EX1009	Montes de Oca, Samantha, “ <i>CCT: Understanding the Basics</i> ”, Superbrightleds.com, dated Mar. 2, 2016, available at https://www.superbrightleds.com/blog/what-is-cct-understanding-the-basics.html
EX1010	U.S. Patent Publication 2017/0314743 to Del Castillo (“Del Castillo”)
EX1011	U.S. Patent Publication No. 2004/0062041 to Cross (“Cross”)
EX1012	U.S. Patent No. 9,345,112B2 (“‘112 Patent”)
EX1013	U.S. Patent No. 9,964,289B2 (“Pearson”)
EX1014	U.S. Patent No. 8,764,220B2 (“Chan”)
EX1015	Kay, Gregory, “ <i>Tunable white light and its benefits become more accessible</i> ”, Architectural Products, dated June 28, 2023, available at https://www.arch-products.com/architectural-lighting/article/55092734/tunable-white-light-and-its-benefits-for-commercial-offices-become-more-accessible .
EX1016	U.S. Patent No. 7,014,336B1 (“Ducharme”)
EX1017	U.S. Patent No. 8,207,821B2 (“Roberge”)
EX1018	“ <i>The Light Emitting Diode</i> ”, Electronics Tutorials, available at https://www.electronics-tutorials.ws/diode/diode_8.html
EX1019	“ <i>Tunable White technology At a Glance</i> ”, Tridonic, dated Mar. 2019
EX1020	ENERGY STAR® Program Requirements Product Specification for Decorative Light Strings Eligibility Criteria Version 1.5 downloaded from https://www.energystar.gov/sites/default/files/specs//private/spec_v1.5_draft.pdf

Exhibit No.	Description
EX1021	<i>“Decorative Light Strings Specification Version 1.5”</i> , Energy Star, available at https://www.energystar.gov/products/spec/decorative_light_strings_specification_version_1_5_pd .
EX1022	<i>AGS Lighting Management LLC v. Jesco Lighting Group, LLC</i> , 1:25-cv-00141-MN, Dkt. 16-1 (D.Del. April 17, 2025), Email correspondence, dated March, 7, 2024.
EX1023	<i>AGS Lighting Management LLC v. Jesco Lighting Group, LLC</i> , 1:25-cv-00141-MN, Motion hearing held July 24, 2025.
EX1024	<i>AGS Lighting Management LLC v. Jesco Lighting Group, LLC</i> , 1:25-cv-00141-MN, Dkt. 24 (D.Del. Aug. 25, 2025), Proposed Scheduling Order.
EX1025	<i>AGS Lighting Management LLC v. Jesco Lighting Group, LLC</i> , 1:25-cv-00141-MN, Dkt. 29 (D.Del. Sept. 17, 2025), Scheduling Order.
EX1026	Docket Navigator, Judge Maryellen Noreika Motion Success Report
EX1027	<i>AGS Lighting Management LLC v. Jesco Lighting Group, LLC</i> , 1:25-cv-00141-MN, Notice of Sotera Stipulation, dated November 3, 2025 (<i>“Sotera”</i>).

CERTIFICATE OF SERVICE

The undersigned certifies that on November 3, 2025 the foregoing was served on counsel at the following electronic service addresses:

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