

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOPSOE, INC.,
Petitioner,

v.

CASALE S.A.,
Patent Owner.

IPR2025-01454
Patent 11,286,168 B2

Before SUSAN L.C. MITCHELL, DEBRA L. DENNETT, and
MICHAEL A. VALEK, *Administrative Patent Judges*.

DENNETT, *Administrative Patent Judge*.

ORDER
Authorizing Motion to Vacate and Terminate Proceedings

On February 10, 2026, the Director issued a Decision instituting *inter partes* review (“IPR”) in the above-referenced proceeding. Paper 15 (“Decision”). On May 6, 2026, Casale S.A. (“Patent Owner”) sent an email to the Board requesting a conference call to discuss authorization to file a motion to vacate the institution decision and terminate the proceedings. Ex. 3002. Petitioner opposes Patent Owner’s request. *Id.*

We held a teleconference call with the parties on May 21, 2026. During that call, Patent Owner explained its position that Topsoe, Inc. (“Petitioner”) has violated their *Sotera*¹ stipulation² by serving invalidity contentions in a parallel district court litigation that Patent Owner contends assert invalidity grounds that are the same as grounds raised or that reasonably could have been raised in this IPR. Petitioner disputed Patent Owner’s characterization, urging that the grounds asserted in its invalidity contentions in the parallel litigation do not violate the *Sotera* stipulation.

After considering the parties’ positions as presented during the teleconference, we authorize Patent Owner to file its requested motion. Patent Owner’s motion shall be no more than fifteen pages in length and filed by June 1, 2026. Petitioner’s opposition shall be no more than twenty pages in length and filed by June 15, 2026. Patent Owner may file a reply of no more than five pages by June 24, 2026. Additional evidence (including a copy of the invalidity contentions in question) is authorized to be filed with the motion and opposition, but only as necessary to support the allegations

¹ *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (Dec. 1, 2020) (precedential as to § II.A). In a *Sotera* stipulation, a petitioner represents that it will not raise in district court any ground it raised or reasonably could have raised in the inter partes review.

² See Petitioner’s Opposition to Patent Owner’s Discretionary Denial Brief (Paper 9), 13.

therein. No new evidence is authorized with the reply absent authorization from the Board.

Accordingly, it is:

ORDERED that Patent Owner is authorized to file a motion of no more than 15 pages addressing the issues set forth above no later than June 1, 2026;

FURTHER ORDER that Petitioner are authorized to file an opposition of no more than 20 pages no later than June 15, 2026; and

FURTHER ORDERED that Patent Owner is authorized to file a reply of no more than 5 pages no later than June 24, 2026.

PETITIONER:

Jeffrey Andrews
Christopher Johnson
YETTER COLEMAN LLP
jandrew@yettercoleman.com
cjohnson@yettercolemn.com

Jeffrey Phillips
SPENCER FANE LLP
jphillips@spencerfane.com

PATENT OWNER:

Case Collard
Payton George
Erin Kolter
DORSEY & WHITNEY LLP
collard.case@dorsey.com
george.payton@dorsey.com
kolter.erin@dorsey.com