

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

CURIUM US LLC,
Petitioner,

v.

UNIVERSITÄT HEIDELBERG AND THE EUROPEAN ATOMIC
ENERGY COMMUNITY (EURATOM), REPRESENTED BY THE
EUROPEAN COMMISSION,
Patent Owner.

IPR2025-01582
Patent 10,980,901 B2

Before JOHN A. SQUIRES, *Under Secretary of Commerce for Intellectual
Property and Director of the United States Patent and Trademark Office.*

ORDER
According the Petition a New Filing Date

Curium US LLC (“Petitioner”) filed a Petition on September 26, 2025, identifying only itself as the real party-in-interest. Paper 2 (“Pet.”), 5. On October 3, 2025, the Board issued a Notice of Filing Date Accorded. Paper 3. Universität Heidelberg and The European Atomic Energy Community (EURATOM) (collectively “Patent Owner”) thereafter filed a request for discretionary denial (Paper 5, “DD Req.”), and Petitioner filed an opposition (Paper 7, “DD Opp.”).

Patent Owner argues that Petitioner “is owned and controlled by Curium US Holdings LLC and France-based Curium Pharma, all of which share offices at 111 Westport Plz. Dr., St. Louis, MO, and have an interest in the patented technology.” DD Req. 20 (citing Exs. 2035; 2036). Patent Owner concludes that Petitioner’s “parent companies direct and benefit from this Petition and should have been listed as RPIs [real parties in interest]. This justifies denial.” *Id.*; *see* 35 U.S.C. § 312(a)(2).

Petitioner responds that it “does not believe Curium US Holdings LLC (or other entity) is an RPI.” DD Opp. 17; *see also id.* 18–19 (arguing that “Petitioner represents only its own interest in this IPR proceeding.”). Petitioner, however, submitted “an updated mandatory notice naming Curium US Holdings LLC and its direct parent, Curium Netherlands BV,” not because it agrees that the entities are RPIs, but “to moot this issue.” *Id.* at 17; *see* Paper 6 (Updated Mandatory Notice dated January 5, 2026). Petitioner argues that the updated mandatory notice fulfills the requirement to identify RPIs “before institution.” DD Opp. 17 (citing Director’s Memorandum dated October 28, 2025, designating precedential *Corning Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015)).

As *Corning Optical* explains, “under 35 U.S.C. § 312(a)(2), we may consider a petition for *inter partes* review ‘only if . . . the petition identifies all real parties in interest.’” *Corning Optical*, Paper 68 at 23; *see also* 37 C.F.R. § 42.8 (requiring petitioners and patent owners to “[i]dentify each real party-in-interest for the party”). Under *Corning Optical*, “any Petition corrected to disclose additional RPIs must be given a new filing date.” *Id.* (citations omitted).

Petitioner’s amendment of its RPI disclosures results in according the Petition a new filing date. Petitioner’s updated mandatory notice appears to meet the statutory requirement to name all RPIs. 35 U.S.C. § 312(a)(2). Further, unlike *Corning Optical*, according a new filing date to the Petition does not implicate a time-bar under 35 U.S.C. § 315(b) that requires terminating the proceeding. *Corning Optical*, Paper 68 at 25; *see also Yangtze Memory Techs. Co. v. Micron Tech., Inc.*, IPR2025-00098, Paper 38 at 8 (Director January 15, 2026) (informative). Thus, the Petition shall be accorded a new filing date of January 5, 2026—the filing date of Petitioner’s updated mandatory notice. *See Corning Optical*, Paper 68 at 24 (citing 37 C.F.R. § 42.106(b)).

In view of the new filing date accorded, Patent Owner’s Brief Requesting Discretionary Denial of Institution (Paper 5), Petitioner’s Opposition to Patent Owner’s discretionary denial brief (Paper 7), and Patent Owner’s Preliminary Response (Paper 8), and all accompanying exhibits, will be expunged. All future deadlines for this proceeding will be based on the new filing date accorded.

In consideration of the foregoing, it is:

ORDERED that the Petition for *inter partes* review has been accorded the filing date of January 5, 2026; and

FURTHER ORDERED that the Patent Owner's Brief Requesting Discretionary Denial of Institution (Paper 5), Petitioner's Opposition to Patent Owner's discretionary denial brief (Paper 7), and Patent Owner's Preliminary Response (Paper 8), and all accompanying exhibits, shall be expunged from the record.

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