

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Meishan CRRC Fastening System Co., Ltd.

Petitioner,

v.

Howmet Aerospace Inc.

Patent Owner

IPR2026-00268
U.S. Patent No. 11,885,358

**PETITIONER'S OPPOSITION TO PATENT OWNER'S
MOTION FOR ADDITIONAL DISCOVERY**

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I. INTRODUCTION

Howmet Aerospace Inc.’s (“Howmet”) Motion for Additional Discovery (“Motion”) seeks discovery into purported relationships with (1) foreign government interests and (2) Stanley Black & Decker (“SBD”) and 45 other entities. The Motion should be denied for multiple, independent reasons.

First, Howmet fails to address the governing “interests of justice” standard.

Second, discovery into foreign government relationships is improper. Howmet neither sought authorization for that request nor offered the threshold evidence or reasoning required under *Garmin* Factor 1 to show that additional discovery would uncover anything useful. Instead, Howmet relies on speculation about supposed corporate relationships—the very type of conjecture the Board has repeatedly rejected when evaluating requests for additional discovery.

Third, discovery into purported relationships with SBD and 45 other entities is likewise inappropriate. That request also fails *Garmin* Factor 1, because it rests on incorrect speculation about a purported customer relationship with SBD, which is legally insufficient to establish RPI status. That speculation further underscores that this Petition arose from a dispute between two U.S.-based companies.

Finally, Howmet’s requests are overly burdensome and seek information far beyond any legitimate RPI inquiry.

II. ARGUMENT

A. Howmet Never Argues that Additional Discovery is in “the Interests of Justice.”

Howmet never argues—let alone shows—that additional discovery is in the interests of justice, contrary to the Board’s direction. EX3101 (directing Howmet to “explain why additional discovery is ‘in the interests of justice’”). Instead, Howmet argues that “good cause” exists. Motion at 1, 5, 6. But “good cause” is expressly a lower standard than “interests of justice.” Changes to Implement Inter Partes Review Proceedings, 77 Fed. Reg. 48,680, 48,693 (Aug. 14, 2012) (final rule) (“[O]n balance, the interests-of-justice standard is a slightly higher standard than good cause.”). Howmet’s reliance on a lesser standard therefore does not satisfy 37 C.F.R. § 42.20(c). Indeed, the Board has denied motions for additional discovery when the movant failed to explain why the additional discovery was necessary in the interests of justice. *See Shenzhen Buxiang Network Tech. Co., Ltd. v. Ideal Time Consultants Ltd.*, IPR2021-00080, Paper 36, at 2, 6, 8 (P.T.A.B. Jan. 13, 2022) (contrasting “interests of justice” with “good cause” and denying additional discovery). Howmet’s Motion should be denied.

B. Discovery Into Purported Relationships with Foreign Government Interests is Inappropriate.

Howmet’s request for discovery into an alleged relationship between Meishan and the Chinese government should be denied. First, Howmet did not

obtain authorization for this request. Second, Howmet relies exclusively on speculation about an alleged scaffold of corporate relationships—which the Board has repeatedly rejected when evaluating requests for additional discovery and which is legally insufficient to confer RPI status, even under *Tianma*.

1. *Howmet did not obtain authorization for its request.*

Howmet did not seek authorization to pursue discovery into Meishan’s or its RPIs’ alleged relationship with a foreign government, as required by 37 C.F.R. § 42.20(b). Howmet originally sought authorization only to pursue additional discovery regarding Meishan’s and its identified RPIs’ alleged relationship with past or current defendants in the Delaware litigation, and SBD and 45 named RPIs in IPR2025-01581. EX3101. But now, Howmet seeks sweeping discovery regarding Meishan’s and its RPIs’ alleged relationship with “CRRC Corporation Limited, CRRC Group Co., Ltd., SASAC, any entity of the Chinese government, or the Chinese government itself.” Motion at 6. That request exceeds the scope of authorization from the Board and should be denied on that basis alone.

2. *Howmet’s request is based only on speculation about corporate relationships, and thus fails Garmin Factor 1.*

Howmet requests additional discovery into Meishan’s and its RPI’s alleged relationship to the Chinese government, apparently on the theory that a Chinese-government entity would be an unnamed RPI and thus bar institution. Motion at 2,

7. But this request relies exclusively on speculation about an alleged scaffold of corporate relationships, legally insufficient to confer RPI status even under *Tianma. Id.* This request thus fails *Garmin* Factor 1.

The Board has repeatedly denied additional discovery where an RPI theory rests only on evidence of corporate relationships or ownership interests, because such evidence does “not show beyond mere speculation that something useful will be uncovered based on Patent Owner’s discovery requests to show that [the alleged RPI] did or could have exercised control over *these* proceedings.” *CaptionCall, LLC, v. Ultratec, Inc.*, IPR2015-00636, Paper 42, at 13 (P.T.A.B. Feb. 23, 2016) (emphasis in original); *see also Nalu Medical v. Nevro Corp.*, IPR2021-01023, Paper 9, at 7-9 (P.T.A.B. Aug. 9, 2021) (denying additional discovery where unnamed BSC/BSNC was Petitioner’s “largest stockholder,” but there was “no persuasive evidence that suggests either BSC or BSNC” had any involvement “in the preparation, funding, or strategy of this IPR”). Bare corporate ownership, without more, does not establish RPI status. *See, e.g. CaptionCall*, IPR2015-00636, Paper 42, at 14; *Amneal Pharm., LLC et al. v. Jazz Pharm., Inc.*, IPR2015-00545, Paper 25, at 15 (P.T.A.B. July 29, 2015).

Here, Howmet bases its request *solely* on an attenuated alleged ownership chain: CRRC Meishan—the parent of Petitioner Meishan and an RPI identified in the Petition out of an abundance of caution—is affiliated with CRRC Corporation

Limited, and the latter is owned by CRRC Group, which in turn is allegedly state-owned. *Id.* To show that the Chinese government directs or controls this IPR, Howmet would need evidence of direction or control across at least four separate links: (1) Chinese-government ownership of CRRC Group; (2) CRRC Group's alleged control of CRRC Corporation Limited; (3) CRRC Corporation Limited's alleged control of CRRC Meishan; and (4) CRRC Meishan's alleged control over Petitioner Meishan's decisions in this IPR. But Howmet identifies no facts supporting direction or control at *any* point in the chain, much less all of them. The Motion's speculation from corporate ownership alone should be rejected.

Indeed, Howmet's evidence shows at most that this Petition arises from a dispute between U.S. entities, rather than some purported foreign government control. EX2004. Specifically, Howmet asserts that its customer, Nextpower, Inc.—a U.S.-based energy company originally established as Nextracker Inc. in 2013 and identified as an RPI to this Petition—purportedly infringes the Challenged Patent. *Id.* Howmet claims that alleged infringement was the result of Nextpower buying and importing Meishan's solar fasteners in place of Howmet's fasteners. *Id.* See also EX1013 ¶ 38 (describing the same).

Moreover, Howmet's reliance on *Tianma* for additional discovery overstates that decision. There, the patent owner placed the RPI issue in genuine dispute through substantial evidence, including (1) a close corporate relationship with a

state-owned corporation; (2) listing on the U.S. Department of Commerce’s “entity list” of parties “involved in activities that are contrary to the national security or foreign policy interests of the United States”; and (3) the petitioner’s conflicting identification of foreign-government-owned entities as RPIs in other matters.

Tianma Microelectronics Co., Ltd., v. LG Display Co., Ltd., IPR2025-01579, Paper 12, at 8-10 (P.T.A.B. Mar. 18, 2026). The petitioner then failed to rebut that showing, offering only conclusory declarations that none of the potential RPIs controlled the IPR. *Id.* at 9-10. None of those facts are present here.

C. Discovery Into Meishan’s Relationship with SBD and its 45 Identified RPIs is Inappropriate.

Howmet also seeks discovery into whether the Petition is controlled by SBD and its 45 identified RPIs. Motion at 3-5. This equivocation itself underscores the speculative nature of Howmet’s requests. *CaptionCall*, IPR2015-00636, Paper 42, at 18 (“[I]n naming three possible outcomes, Patent Owner equivocates as to the identity of the unnamed real party-in-interest (or unnamed real parties-in-interest) . . . further support[ing] a finding that Patent Owner’s discovery requests are based on mere speculation”). This request also fails *Garmin* Factor 1 because it relies on factually incorrect speculation about a customer relationship, legally insufficient to create RPI status.

1. *Howmet's speculative SBD theory fails Garmin Factor 1.*

Howmet's speculation into SBD's or one of its 45 RPIs' control over this Petition misstates the record. According to Howmet, Nextpower must be purchasing relevant fasteners from SBD because Nextpower is allegedly purchasing them from someone other than Howmet or Meishan. According to Howmet, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Motion at 4 (citing EX2004). But that conclusion does not follow. Read in full, [REDACTED]

[REDACTED]

[REDACTED].EX2004 (emphasis added). [REDACTED]

[REDACTED]

[REDACTED] That does *not* mean

Nextpower was purchasing replacement fasteners from SBD or its RPIs [REDACTED]

[REDACTED], and Howmet offers no other evidence to support that leap.

Howmet's claim that Nextpower's hypothetical other supplier must have been SBD or one of SBD's RPIs is equally unsupported. Howmet offers no evidence for its claim that Howmet, Petitioner, and SBD are the "three main

suppliers of industrial fasteners” for Nextpower. Motion at 4. Nor does Howmet support its claim that SBD is the only entity that markets tools compatible with Howmet’s and Petitioner’s fasteners. *Id.* at 5. This unsupported chain of speculation fails *Garmin* Factor 1 and cannot justify such sweeping discovery.

2. *This speculation would not establish that SBD is an RPI, and further fails Garmin Factor 1 for that reason.*

In any event, Howmet’s SBD theory would not establish that SBD is an RPI, and therefore fails *Garmin* Factor 1. A customer-supplier relationship does not, by itself, create RPI status. *Samsung Elecs. Co., Ltd. v. Seven Networks, LLC*, IPR2018-01108, Paper 31, at 11 (P.T.A.B. Jan. 24, 2019); *Google LLC v. Seven Networks, LLC*, IPR2018-01116, Paper 36, at 17-18 (P.T.A.B. Feb. 25, 2019). The Board has denied additional discovery on that basis. *Vizio v. Nichia Corp.*, IPR2017-01608, Paper 31, at 5 (P.T.A.B. April 30, 2018); *Microsoft, et al. v. Koninklijke Philips N.V.*, IPR2017-01754, Paper 17, at 3 (P.T.A.B. Jan 29, 2018).

D. *Howmet’s Requested Discovery Far Exceeds the Question of Control Over the Petition, Failing Garmin Factor 5.*

Both of Howmet’s requests are overly burdensome, and thus fail *Garmin* Factor 5. Specifically, Howmet seeks all documents “relating to or identifying a connection or relationship” between Meishan, its identified RPIs, and over 45 other entities—including SBD, SBD’s 45 identified RPIs in IPR2025-01581, several CRRC entities, SASAC, any entity of a foreign government, and the foreign

government itself. Motion at 6. But litigation-style discovery requests for broad categories of documents are burdensome and routinely denied. *Google LLC v. Cywee Group Ltd.*, IPR2018-01257, Paper 30, at 9 (P.T.A.B. June 20, 2019) (finding broad document requests reflected lack of clarity and undue burden).

Howmet's requests are also not tailored to the actual issue: whether any unidentified party controlled or could have controlled this Petition. The Board has denied additional discovery into RPI issues where the requests were not tailored to that inquiry. *Nalu Medical*, IPR2021-01023, Paper 9, at 8 (P.T.A.B. Aug. 9, 2021); *Ventex v. Columbia Sportswear North Am., Inc.*, IPR2017-00651, Paper 32, at 4-5 (P.T.A.B. Nov. 13, 2017). For example, in *New World Med., Inc. v. Microsurgical Tech., Inc.*, the Board denied additional discovery into potential unnamed RPIs, because the information sought was "speculative" and the patent owner's requests "cover[ed] as much ground as possible" regarding the petitioner's relationship with a potential RPI. IPR2020-01573, Paper 13, at 12 (P.T.A.B. Dec. 10, 2020). There, the patent owner sought "all agreements and all documents and all communications . . . concerning this proceeding," among other requests. *Id.* In denying discovery, the Board found that the patent owner was "not aware of any specific evidence" and was merely "speculating that such evidence might exist," such that "its instructions and discovery requests are necessarily broad." *Id.* at 11. The same is true here. Howmet's requests are not limited to this IPR, are not confined to any

relevant time period, and sweep in alleged relationships with numerous entities.

Even if the Board were inclined to permit any discovery, Howmet's requests would still require substantial narrowing. At most, discovery from Petitioner and its named RPIs could be limited to: "Communications with SBD regarding the direction, funding, or control over the Petition" or "Communications with CRRC Group Co., Ltd., SASAC, or the Chinese government regarding the direction, funding, or control of the Petition." Any broader request for materials "relating to" corporate connections, ownership, or commercial relationships would exceed the RPI inquiry and recreate the same overbreadth that *Garmin* Factor 5 prohibits.

E. Howmet's Failure to Satisfy *Garmin* Factor 1 Outweighs the Remaining Factors.

Even if the remaining *Garmin* Factors were neutral or favored Howmet, they would not overcome Howmet's failure to satisfy *Garmin* Factor 1. *R.R. Donnelley & Sons Co. v. Scriptchek Visual Verification Sys., Inc.*, IPR2021-00564, Paper 32, at 14 (P.T.A.B. Feb. 15, 2022) ("Thus, though *Garmin* Factors 2–5 are either neutral or weigh in favor of granting Patent Owner's Motion, we determine that the *Garmin* factors as a whole do not support granting Patent Owner's Motion."); *Xilinx v. FG SRC LLC*, IPR2021-00633, Paper 11, at 9 (P.T.A.B. June 17, 2021).

III. CONCLUSION

For the foregoing reasons, the Board should deny Howmet's Motion.

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CERTIFICATE OF SERVICE

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