

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

Case IPR2026-00268

Patent No. 11,885,358

**PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL
OF INSTITUTION**

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LIST OF EXHIBITS

Exhibit	Description
2001	CRRC Madeinmeishan Website
2002	CRRC Corporation – World Benchmarking Alliance
2003	CRRC 2024 Annual Report
2004	Aug. 13, 2025 Response Letter re Howmet (Confidential)
2005	Delaware Litigation – Exhibit C-1
2006	MEISHANFASTENING_000001 to MEISHANFASTENING_000060 (Confidential)
2007	SASAC “About Us” webpage
2008	Wikipedia for SASAC

I. INTRODUCTION

Patent Owner Howmet Aerospace Inc. (“Patent Owner”) respectfully requests that the Director terminate this IPR for failure to comply with 35 U.S.C. §§ 311(a), 312(a)(2) and/or exercise his discretion to deny the Petition for *inter partes* review filed by Meishan CRRC Fastening System Co., Ltd. (“Meishan”).

First, the Chinese government is an RPI in this proceeding. As the Director held in *Tianma v. LG Display*, the Supreme Court’s decision in *Return Mail, Inc. v. United States Postal Service*, 587 U.S. 618 (2019) (“*Return Mail*”) applies to a foreign government, and “bars a petition when a foreign government is an RPI of a petitioner.” *Tianma v. LG Display*, IPR2025-01579, Paper 12, 5 (“*Tianma*”). Notably, Meishan failed to identify all RPIs, including the Chinese government, despite the Petition being filed months after the Director issued a memorandum emphasizing the Office’s renewed enforcement of this requirement. *See* Memorandum on Interim Processes for PTAB Workload Management (October 28, 2025) (reinstating prior Office guidance on identification of real parties in interest). Accordingly, the Petition is barred for failure to comply with 35 U.S.C. § 311(a) (must be “a person”) and § 312(a)(2) (must name all real parties in interest).

Second, the Office has already discretionarily denied institution in a related case (IPR2025-01581),¹ and the instant Petition essentially recycles the same prior art that was before the Office in that case. For instance, Petitioner presents four grounds applying U.S. Patent Publication 2018/0111184A1 (“Corbett 2018”) as the primary reference, yet Corbett 2018 was shown in the prior IPR to be substantially similar to Kleinman, a reference before the Office during the prosecution of the US Patent. No. 11,885,358 (“the ’358 Patent”). Accordingly, as explained further below, the petition should also be denied under 35 U.S.C. § 325(d).

Third, should additional information be required for the Director to fully evaluate whether Petitioner has complied with all sections of the IPR statute, Meishan should be ordered to fully and completely respond to the discovery ordered by Chief Judge Deshpande in this matter. Currently, Meishan has provided only six documents (totaling 27 pages)² in response to the Chief Judge’s Discovery Order. These documents establish at least the additional involvement and the ability for control by unnamed entities, including a division of the Chinese government, and

¹ Petitioner filed the instant challenge a mere two days after the Office discretionarily denied IPR2025-01581.

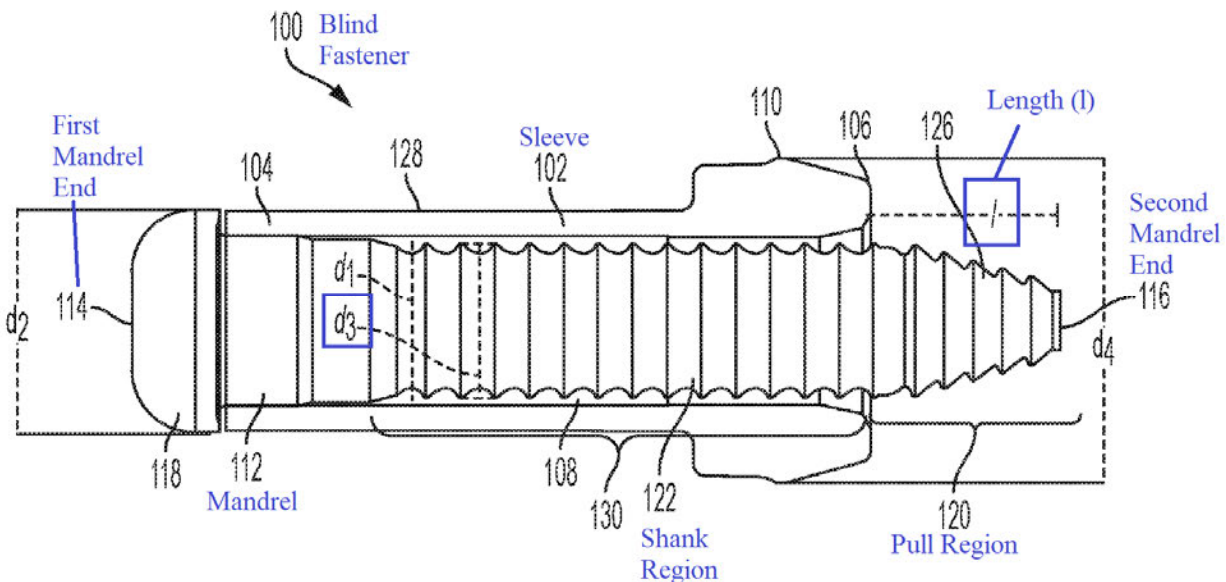
² Meishan also provides a translation of the 27 pages and associated translation certificates.

more information would be beneficial to the Director and the parties. Should the Director determine not to deny institution at this stage, Patent Owner should be permitted to file a renewed request for discretionary denial subsequent to a full and complete response to the Discovery Order Meishan.

II. BACKGROUND

A. The '358 Patent

The '358 patent describes and claims a blind fastener having a mandrel and sleeve. As illustrated in FIG. 1 (below), the blind fastener 100 includes a sleeve 102 and a mandrel 112 having a first mandrel end 114 and a second mandrel end 116. EX1001 at 3:58-4:16. The second mandrel end 116 can comprise a pull region 120 configured to be engaged by an installation tool, and the pull region 120 can comprise an axial length, l , that is no greater than 4 times a diameter, d_3 , of the shank region 122. *Id.*, 4:27-39.



Id., FIG. 1 (annotations added).) The design of the blind fastener enables the “use of a smaller installation tool for installation since the force required to install the blind fastener may be less than a force that can fracture the mandrel” while also allowing “the sleeve wall thickness [to] be reduced by, for example, 10% or 15%, which can save material cost.” *Id.*, 7:28-37.

III. THE PETITION **MUST** BE DENIED BECAUSE THE CHINESE GOVERNMENT IS AN RPI AND PETITIONER FAILED TO NAME ALL RPIS

The instant Petition **must** be denied for a very simple reason—the Chinese government is an RPI, yet foreign governments are not allowed to be RPIS as confirmed by Director Squires in *Tianma*. Accordingly, Meishan’s petition lacks standing. Once it has been shown (as here) that an RPI is a foreign government, the IPR **must** be terminated as there is no standing to bring the challenge under 35 U.S.C. §311(a). As *Tianma* explains, under 35 U.S.C. §311(a), only “a person” other than the patent owner may file a petition for an IPR, and foreign governments do not qualify as a “person” per the Supreme Court’s *Return Mail* case. Accordingly, “*Return Mail* [] bars a petition when a **foreign government is an RPI of a petitioner.**”³ *Tianma* at 5. As shown below, there is clear and indisputable evidence proving the Chinese government is an RPI.

³ Emphasis added herein unless otherwise noted.

In the Petition, Meishan identifies the following two entities as RPIs: (1) CRRC Meishan Co., Ltd. (“CRRC Meishan”) and (2) Nextpower Inc. (formerly Nextracker Inc.) (collectively herein “Nextracker”). Pet., 3. Meishan further provides that “CRRC Meishan is Petitioner’s parent corporation.” *Id.*

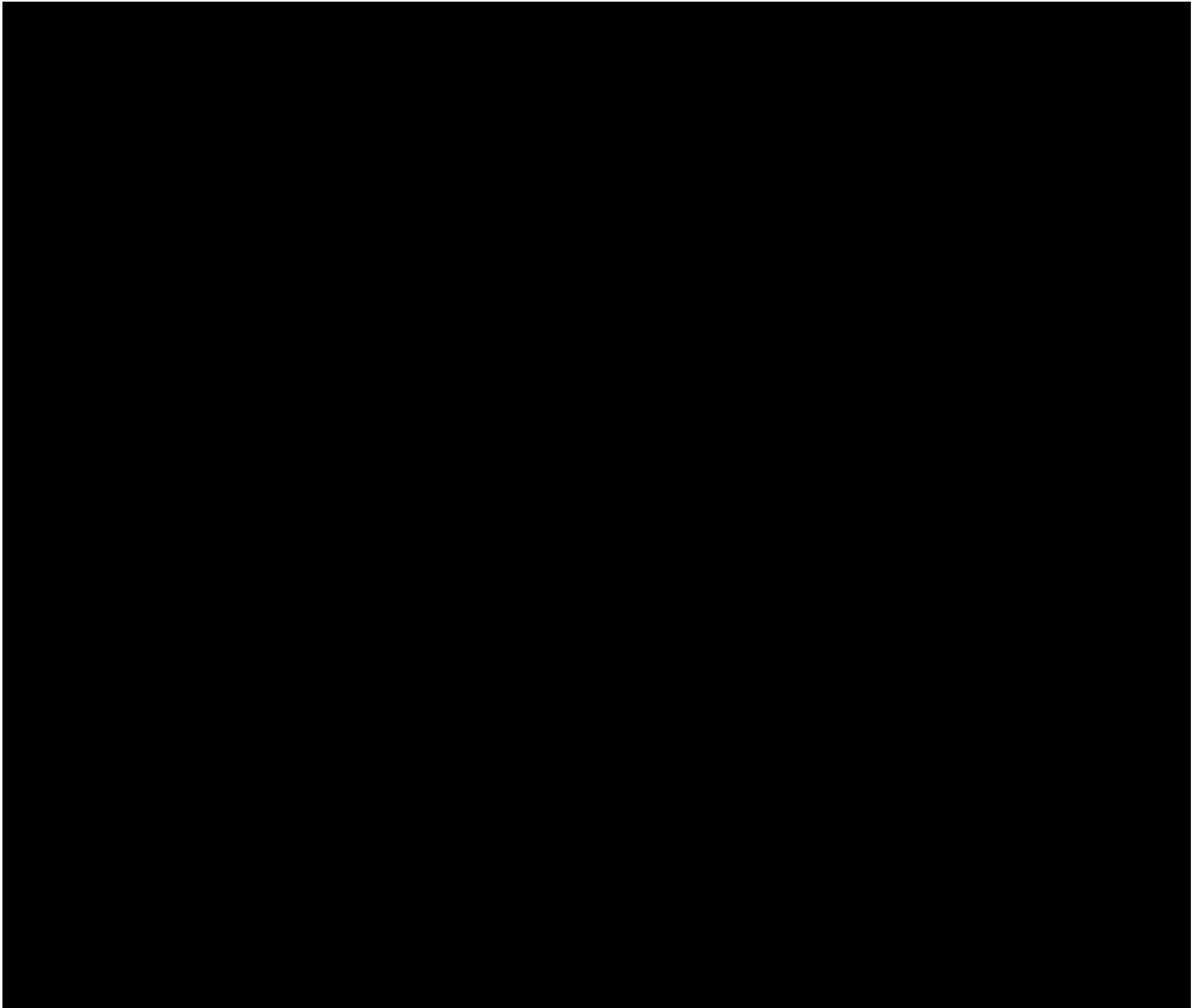
On March 27, 2026, Patent Owner filed a Motion for Additional Discovery, as authorized by the USPTO, seeking information and materials regarding unnamed RPIs for Meishan. Paper 7. On May 7, 2026, Chief Judge Deshpande granted Patent Owner’s Motion for Additional Discovery. *See* Paper 12 (“Discovery Order”). Despite Chief Judge Deshpande’s broad discovery instructions, **Meishan’s discovery response provided a mere 6 documents totaling less than 27 pages.**⁴

Regardless, Meishan’s meager production confirms that Meishan is majority owned by the **State-owned** Assets Supervision and Administration Commission of the State Council (“SASAC”), a division of the Chinese government. [REDACTED]

[REDACTED]

[REDACTED]

⁴ As explained in Section V, below, Meishan should be required to comply with Chief Judge Deshpande’s discovery instructions should additional information be required for the Director to fully evaluate whether Petitioner has complied with all sections of the IPR statute.



⁵ Despite the direct ownership and control of the 5 parent entities shown in the Meishan corporate diagram above, Meishan disclosed only one of the 5 entities, namely CRRC Meishan, as being an RPI.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Accordingly, it is

undisputed that Meishan is majority owned by a division of the Chinese government.

More specifically, it is undisputed that Meishan is majority owned by the SASAC,

“an institution directly under the State Council of China that acts as the state's owner

for centrally administered, non-financial state-owned enterprises.” EX2008,

Wikipedia for SASAC; *see also*, EX2007, SASAC “About Us” webpage. The

CRRC Group Annual Report further confirms that **“CRRCG [CRRC Group] is a**

large state-owned enterprise under the direct management of the SASAC

[State-owned Assets Supervision and Administration Commission of the State

Council].” CRRC Annual Report, EX2003, 76.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In *Tianma v. LG Display* Director Squires instructed that “[w]ith its identification of RPIs in dispute, it is Petitioner’s burden to bring forth evidence or arguments demonstrating that it had named all RPIs—and that none were foreign governments or entities a foreign government had the ability to control.” IPR2025-01579, Paper 12, 9-10. Petitioner presents no such evidence. Instead, the evidence of record clearly establishes that the Chinese government is an RPI and has the ability to control the instant IPR. Thus, Meishan’s Petition must be denied. 35

U.S.C. § 311(a) (only a person can bring an IPR challenge); *Tianma* at 5 and *Return Mail* (foreign governments are not “a person” for purposes of PTAB trial proceedings).

The Petition is also barred for failing to comply with 35 U.S.C. § 112(a)(2), which requires “the petition identifies all real parties in interest.” Indeed, in the previously mentioned October 28, 2025 memorandum, Director Squires designated as precedential *Corning Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (except for § ILE. I), which requires the identification of all real parties in interest. (USPTO, Memorandum to All PTAB Judges 1 (Oct. 28, 2025), <https://perma.cc/GAY2-B467>). As Director Squires notes:

“AIA proceedings should not be used by foreign adversaries to harass American patentees or otherwise provide an advantage to those that wish us ill. But the Office cannot address the misuse of AIA proceedings by foreign adversaries unless it requires parties to identify RPIs. Under *Corning Optical*, the Office will now enforce § 312(a)(2)’s requirement that a petition must ‘identify all real parties in interest.’”

(Memorandum at 4.) Yet, as shown above, Meishan failed to name several RPIs. Indeed, in circumstances similar to those here, in *Sun Pharmaceutical Industries, Inc. v. Biofrontera Inc.*, Director Squires discretionarily denied the petition on the basis that “Petitioner has not provided sufficient evidence that [] the corporate parent

... does not have the ability to control the proceeding.” PGR2026-00021, Paper 12,

3. Director Squires noted that Petitioner’s evidence incorrectly focused on whether the corporate parent was “*actually* funding or controlling the proceeding,” as opposed to whether the corporate parent had the “*ability* to control the proceeding.”

Id., 2. Here, it is undisputed that the “**State-owned** Assets Supervision and Administration Commission of the **State Council**” (SASAC), a division of the Chinese government, has the ability to control this IPR proceeding as the majority owner of Meishan. Accordingly, Meishan’s Petition is barred for failing to comply with 35 U.S.C. § 311(a) and for failure to comply with 35 U.S.C. § 312(a)(2).

IV. THE DIRECTOR SHOULD EXERCISE HIS DISCRETION AND DENY INSTITUTION UNDER 35 U.S.C. § 325(d)

As explained previously, this is the second IPR filed against the instant patent. The First IPR, IPR2025-01581, was discretionarily denied on February 18, 2026, and the instant IPR was filed two days later. The Director should also discretionarily deny the instant Petition under 35 U.S.C. § 325(d) as the Petition recycles the prior art from the first IPR, i.e., discretionary denial is warranted under *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 (PTAB Feb. 13, 2020) (precedential) (“*Advanced Bionics*”) and *Ecto World, LLC v. RAI Strategic Holdings, Inc.*, IPR2024-01280, Paper 13 (May 19, 2025) (precedential) (“*Ecto*”).

A. Part One of *Advanced Bionics* Is Satisfied

The first part of the *Advanced Bionics* framework involves evaluating “whether the same or substantially the same prior art or argument previously was presented to the Office.” *Ecto* at 3. Most of Petitioner’s grounds are based on such art or arguments.

Petitioner presents four grounds of invalidity applying Corbett 2018 as the primary reference. Pet., 5. This same reference, Corbett 2018, was the primary reference relied upon in the First IPR challenging the ’358 patent, IPR2025-01581. The First IPR relied upon two references, Corbett 2018 and Kleinman, WO2004/102016 (“Kleinman”), interchangeably. Specifically, the First IPR cited very similar teachings from both Corbett 2018 and Kleinman as allegedly obviating the same claim elements of the ’358 patent. As an example, the below excerpts from the Petition in the First IPR are representative of the interchangeability of Corbett 2018 and Kleinman:

“Ground A: Claims 1-20 Were Obvious Over Corbett In View Of Brewer

Brewer taught that a ‘problem’ with conventional swage fasteners with multiple, “relatively small pull grooves” like in Corbett (or Kleinman) ‘is that ...’

“POSITAs would understand from Brewer that such shortcomings of swage fasteners like Corbett’s (or Kleinman’s)...”

“POSITAs would be motivated to so modify Corbett (or Kleinman) to obtain any of the benefits Brewer attributes to its single groove pull region...”

IPR2025-01581, Paper 1, Petition at 16, 18; *see also id.* at 19-23. Furthermore, the First IPR identified the same deficiency in the teachings of both Corbett 2018 and Kleinman regarding the following element of claim 1 of the '358 patent: “wherein the pull region comprises an axial length no greater than 4 times a diameter of the shank region.” *Id.*, 26-31, 54-57. Thus, it was established in the First IPR that Corbett 2018 and Kleinmann are duplicative of one another. Furthermore, the face of the '358 patent cites Kleinman, WO2004/102016 (“Kleinman”). Ex-1001, 2. Kleinman was cited in an IDS initialed by the Examiner. EX1003, 63.

Meishan’s reliance on Corbett 2018 in the instant IPR is substantially similar to the reliance on Corbett 2018 in the First IPR. *Compare* Pet. 23-42 to First IPR Pet., 16-45. For example, Meishan relies upon secondary teachings, mainly the knowledge of a POSITA, for the same deficiency in Corbett 2018 identified in the First IPR, namely the claim requirement that the “pull region comprises an axial length no greater than 4 times a diameter of the shank region.” *Compare* Pet. 31-32 to First IPR Pet., 26-31. Yet, Meishan fails to offer any explanation regarding 35 U.S.C. § 325(d), including why Meishan’s citations to Corbett 2018 are not substantially similar to Kleinman, which was already before the Office.

Accordingly, the first part of the *Advanced Bionics* framework is satisfied for at least grounds 1-4 in the Petition.

B. The Second Part of *Advanced Bionics* Shows Discretionary Denial Is Warranted

As *Ecto* explains:

“[A] petitioner must provide an analysis [under *Advanced Bionics*, part two] even when the asserted prior art is on an IDS, but the Examiner did not apply the reference. In that analysis, a petitioner must explain, with reference to *Becton Dickinson* factors (c), (e), and (f), how the Examiner erred in overlooking the prior art.

[I]f the Examiner applied the asserted prior art or substantially the same prior art during examination, then a petitioner must demonstrate that, for example, the previously presented art teaches the limitations of the challenged claims, and that no reasonable examiner could have found otherwise.”

Ecto at 5-6 (emphasis added).

Petitioner’s case fails under *Ecto*. Petitioner presents no analysis or explanation with respect to Corbett 2018 as to the relevant *Becton Dickinson* factors, including “(c) the extent to which the asserted art was evaluated during examination, including whether the prior art was the basis,” “(e) whether Petitioner has pointed out sufficiently how the Examiner erred in its evaluation of the asserted prior art,” and “(f) the extent to which additional evidence and facts presented in the Petition

warrant reconsideration of the prior art or arguments for rejection.” *Becton, Dickinson & Co. v. B. Braun Melsungen AG*, IPR2017-01586, Paper 8 (Dec. 15, 2017). Instead, Petitioner purposefully ignores the fact that Corbett 2018 is substantially similar to Kleinman, which was already considered by the Office.

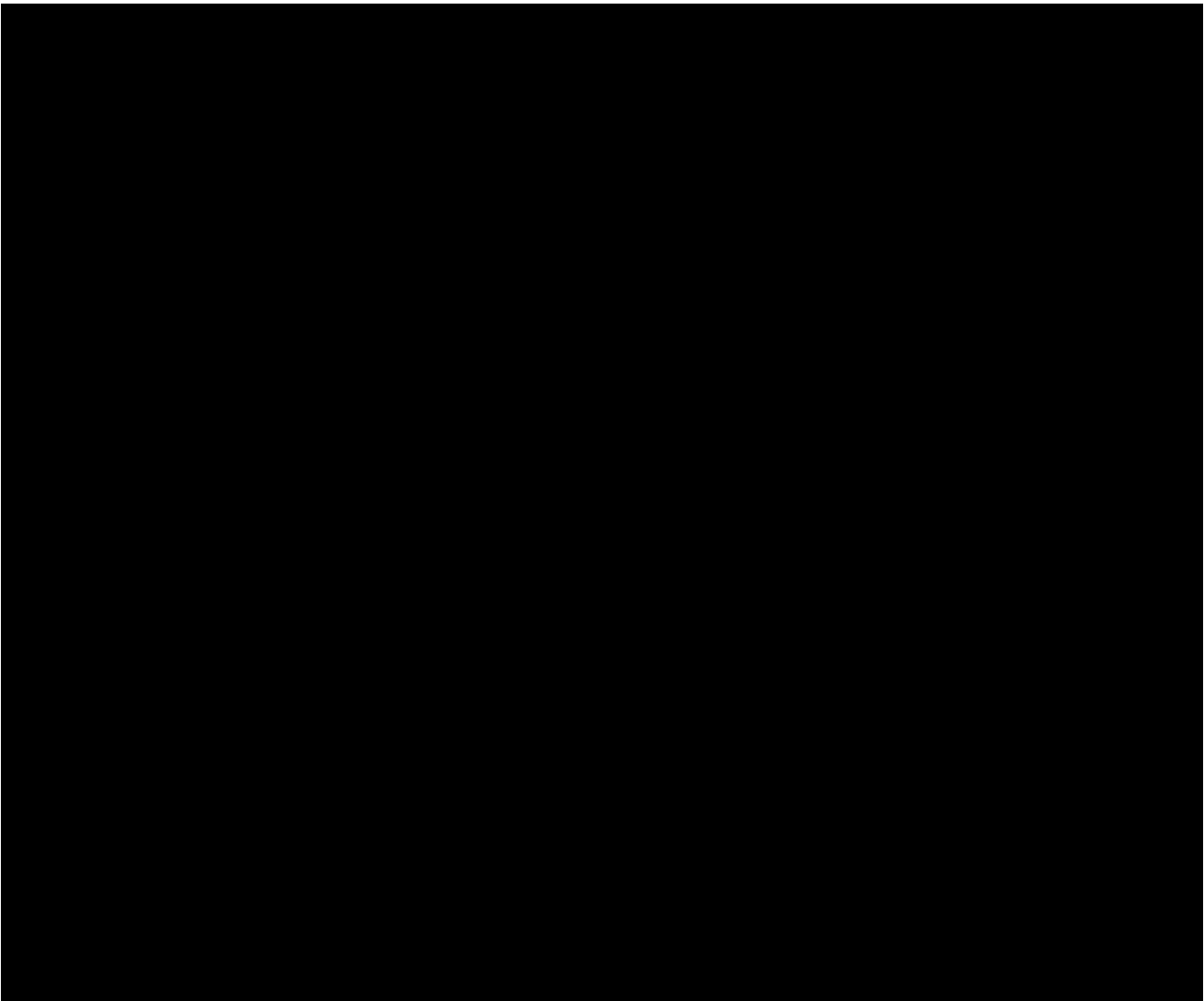
For the above reasons, both prongs of *Advanced Bionics* are satisfied for all grounds and the Board should discretionarily deny the Petition on § 325(d) grounds.

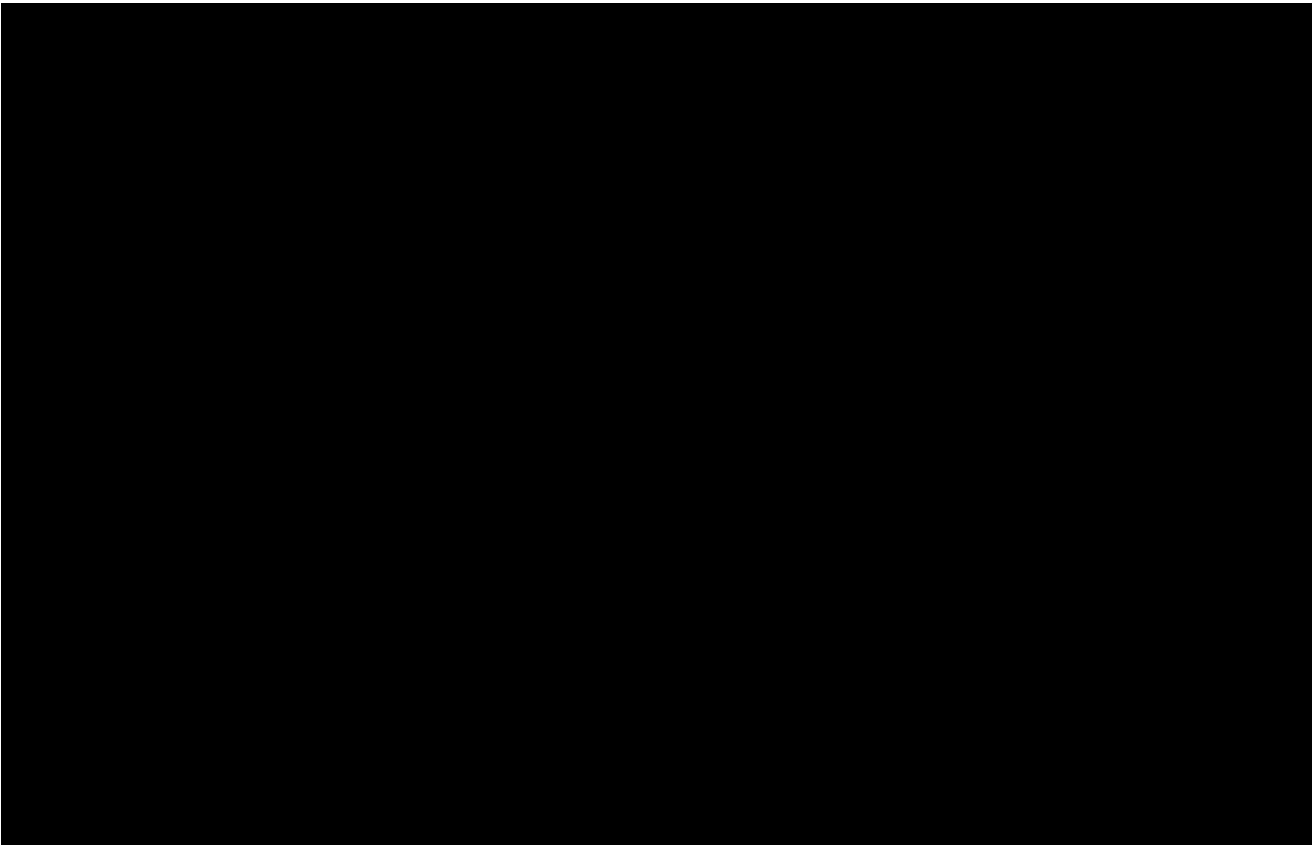
V. MEISHAN SHOULD BE COMPELLED TO FULLY RESPOND TO THE DISCOVERY ORDER

Despite the Chief Judge’s Discovery Order instructing Meishan to respond to three broad discovery requests, Meishan’s response provided a mere 6 documents totaling less than 27 pages. Meishan’s discovery response is insufficient and denies the Director and the parties the full and complete information regarding issues related to RPIs. Meishan’s response fails to provide the fulsome response mandated by Chief Judge Deshpande’s Discovery Order requiring Meishan to “produce documents relating to or sufficient to identify **any connection or relationship** between Meishan CRRC Fastening System Co., Ltd., CRRC Meishan Co., Ltd., or Nextpower Inc. (formerly Nextracker Inc.) (referred to herein as “Nextracker”) and CRRC Corporation Limited, CRRC Group Co., Ltd., or State-owned Assets Supervision and Administration Commission of the State Council (SASAC).” Discovery Order, 3. Additionally, Meishan failed to provide a full response to Chief

Judge Deshpande’s Discovery Order requiring Meishan to “produce documents relating to or sufficient to show a foreign government has or has had ownership of, control, or the ability to control, Meishan CRRC Fastening System Co., Ltd., CRRC Meishan Co., Ltd., Nextracker, CRRC Corporation Limited, CRRC Group Co., Ltd., or SASAC.” *Id.*

As explained above, the small amount of evidence produced by Meishan establishes a high likelihood that additional relevant evidence exists. 





Accordingly, should additional information be required for the Director to fully evaluate whether Petitioner has complied with all sections of the IPR statute, including 35 U.S.C. §§ 311(a) and 312(a)(2), the Director should compel Meishan to fully and completely reply to the May 7, 2026 Discovery Order. Subsequent to a full and complete response to Discovery Order, Patent Owner should be permitted to file a renewed request for discretionary denial.

VI. CONCLUSION

For the above reasons, Patent Owner respectfully requests that the Board deny the Petition and decline to institute a trial in this IPR.

Respectfully submitted,

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GREENBERG TRAURIG, LLP

Date: June 12, 2025

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Patent No. 11,885,358

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing **PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL OF INSTITUTION** was served on the following counsel via electronic mail:

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