

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

MEISHAN CRRC FASTENING SYSTEM CO., LTD.,
Petitioner,

v.

HOWMET AEROSPACE INC.,
Patent Owner.

IPR2026-00268
Patent 11,885,358 B2

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

DECISION
Denying Institution of *Inter Partes* Review

Howmet Aerospace Inc. (“Patent Owner”) filed a request for discretionary denial of institution (Papers 14 (sealed), 15 (redacted), “DD Req.”) in the above-captioned case, and Meishan CRRC Fastening System Co., Ltd. (“Petitioner”) filed an opposition (Papers 19 (sealed), 20 (redacted), “DD Opp.”). Patent Owner further filed a Reply (Papers 22 (sealed), 23 (redacted), “DD Reply”) and Petitioner filed a sur-reply (Papers 25 (sealed), 26 (redacted), “DD Sur-Reply”).¹

After considering the parties’ arguments and the record, and in view of all relevant considerations, denial of institution was appropriate in this proceeding. *See* Paper 27, 1. While my determination was based on the totality of the evidence and arguments presented, particularly as to the impermissibility of governmental entities that may attempt to appear before the Board, I highlight the following reasons for my denial.

Patent Owner argues that the Petition should be denied because it fails to identify all real parties in interest (“RPIs”), including a foreign government entity that has a majority ownership stake in Petitioner. DD Req. 7–10 (citing *Corning Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (precedential, except for § II.E.1)). Specifically, Patent Owner argues that “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.” *Id.* at 10. Patent Owner also argues that “[t]he CRRC Group [(CRRCG)] Annual Report further confirms that ‘CRRCG is a large state-owned enterprise under the direct management of the SASAC.’”

¹ All citations to discretionary denial briefing are to the redacted Papers.

Id. at 7 (citing Ex. 2003, 76); *see* Ex. 2008. For the reasons discussed below, I am persuaded that SASAC, a foreign government entity, is an unnamed RPI. Thus, Petitioner is ineligible to file an IPR, and the Petition is denied. *Tianma Microelectronics Co. v. LG Display Co.*, IPR2025-01579, Paper 12 at 3–7 (Director Mar. 18, 2026) (precedential) (“*Tianma*”) (holding that *Return Mail, Inc. v. United States Postal Service*, 587 U.S. 618 (2019), bars a foreign government from being a petitioner or an RPI in an *inter partes* review or post-grant review). As I explained in *Tianma*, “applying *Return Mail* symmetrically to foreign governments places those governments on equal footing with the U.S. Government and avoids institution practice allowing petitions from some government entities and denying petitions from others.” *Tianma* at 4. *Return Mail* also “bars a petition when a foreign government is an RPI of a petitioner” because, to determine otherwise, would allow a foreign government to “shield a petition from dismissal by having one or more nominal petitions file at the government’s behest.” *Id.* at 5–6 (citations omitted).

Patent Owner’s undisputed evidence that SASAC is a division of a foreign government and is a majority owner of Meishan is sufficient to put into dispute whether the Petition identifies all RPIs and whether there is an RPI who is not a “person” eligible to file an IPR. *See Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1244 (Fed. Cir. 2018) (“[A] patent owner must produce *some* evidence that tends to show that a particular third party should be named a real party in interest.”); *Corning Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 at 25 (PTAB Aug. 18, 2015) (precedential, except § II.E.1) (holding that “[u]nder 35 U.S.C. § 312(a)(2), an IPR petition may be considered ‘only’ if it identifies ‘all’ real parties-in-interest”); *Tianma* at 3–7.

With its identification of RPIs in dispute, it is Petitioner's burden to bring forth evidence or arguments demonstrating that it has named all RPIs—and that none are foreign governments or entities a foreign government had the ability to control. *Worlds*, 903 F.3d at 1242 (“[B]ecause the IPR petitioner is the party seeking an order [i.e., a final decision of unpatentability] from the Board, [5 U.S.C.] § 556(d) requires the petitioner to bear the burden of persuasion.”). Here, Petitioner asserts that “Meishan Fastening independently retained, directed, and paid the legal fees of its counsel for this IPR.” DD Opp. 5. Further, Petitioner argues that “Meishan Fastening alone possessed authority over this IPR proceeding and its filing. Moreover, the undisputed contemporaneous evidence establishes that Meishan Fastening—not SASAC, not any unnamed parent entity or shareholder, and not the Chinese government or any Communist Party organization—actually prepared, funded, and controls this Petition.” *Id.* at 6.

Petitioner's evidence may establish that Meishan Fastening prepared, funded, and controlled this proceeding. *See* DD Opp. 4–5 (citing Exs. 1032, 2006). RPIs, however, are not limited to entities that fund and control the proceeding but include entities that have the *ability* to control the proceeding. *See Tianma* at 9–10. On this issue, Petitioner argues that “*Tianma* does not hold that every company with an upstream ownership connection to a foreign sovereign is barred from seeking AIA review.” DD Opp. 5 (citing *Tianma* at 9–10). Petitioner contends that this is a circumstance in which an upstream controlling entity has no ability to control because:

Meishan Fastening does not assign management or oversight of foreign legal proceedings to any shareholder, parent entity,

government entity, or Party Organization . . . And no corporate governance document gives any such entity authority to approve, direct, require, or veto Meishan Fastening's decision to file an IPR, direct the contents of an IPR filing, select or supervise counsel or experts, or direct litigation strategy.

Id. at 8 (citing Ex. 1032 ¶¶ 5–6).

I explained in *Tianma* that “the Office expects each petitioner and patent owner to identify as part of their mandatory notices any parent corporation, entity, or person that owns 10% or more of that petitioner's or patent owner's stock, shares, or membership interests,” but noted that “percentage ownership (whether greater or lesser than 10%) is not necessarily dispositive of the RPI inquiry.” *Tianma* at 8 n.6. This required identification can be even more critical in cases like this one, where a foreign government entity owns a stake in a petitioner. Indeed, this case does not merely present an unnamed RPI with *some* percentage ownership. Rather, the undisputed evidence shows that an unnamed foreign government entity, SASAC, has *majority*, and thus controlling, ownership of Petitioner. PO Reply 3–4.

Although Petitioner's evidence suggests that its corporate governance documents do not assign control or management of a legal proceeding to another entity, I am not persuaded that such evidence is sufficient to overcome the fact that, as a majority owner, SASAC could, based on its controlling stake, choose to exert control over this proceeding. As a foreign government entity, SASAC's ability to control this proceeding is particularly problematic. *See Tianma* at 4–5. As a result, on this record, Petitioner fails to carry its burden to establish that a foreign government is not an RPI. Accordingly, Petitioner is ineligible to file an IPR and the Petition is denied.

In consideration of the foregoing, it is:

ORDERED that the Petition is *denied*, and no trial is instituted.

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