

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

FIFTH THIRD BANK, NATIONAL ASSOCIATION,
Petitioner,

v.

UNITED SERVICES AUTOMOBILE ASSOCIATION,
Patent Owner.

IPR2026-00277 (Patent 12,211,095 B2)
IPR2026-00279 (Patent 12,159,310 B2)

Before KALYAN K. DESHPANDE, *Chief Administrative Patent Judge*.

ORDER
According the Petition a New Filing Date

Fifth Third Bank, National Association (“Petitioner”) filed a Petition on February 27, 2026, identifying only itself as the real party-in-interest (“RPI”) in each of the above-captioned proceedings. Paper 2 (“Pet.”), 2.¹ On March 5, 2026, the Board issued a Notice of Filing Date Accorded. Paper 5. United Services Automobile Association (“Patent Owner”) thereafter filed a request for discretionary denial (Paper 10, “DD Req.”), and Petitioner filed an opposition (Paper 11, “DD Opp.”). Patent Owner also filed a preliminary response. Paper 13 (“Prelim. Resp.”).

Patent Owner argues that the Petition fails to identify all RPIs prior to institution as required under 35 U.S.C. § 312(a)(2). Prelim. Resp. 21–24 (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 “Fifth Third Financial Corporation should have been named as an RPI because, as the 100% owner of Petitioner, it has the ability to control this proceeding.” *Id.* at 24 (citing *Tianma Microelectronics Co., Ltd. v. LG Display Co.*, IPR2025-01579, Paper 12, 3 (Director March 18, 2025) (precedential); *Sun Pharm. Indus., Inc. v. Biofrontera Inc.*, PGR2026-00021, Paper 12 (Director May 26, 2026)).

In response, Petitioner obtained authorization to file updated mandatory notices naming revised RPIs. Ex. 3101. Petitioner’s updated mandatory notices identify the following RPIs: “Fifth Third Bank N.A., petitioner; Fifth Third Financial Corporation, parent entity of Fifth Third Bank N.A.; [and] Fifth Third Bancorp, parent entity of Fifth Third Financial

¹ Unless indicated otherwise, citations are to papers in IPR2025-00277. The parties filed similar papers in IPR2026-00279.

IPR2026-00277 (Patent 12,211,095 B2)

IPR2026-00279 (Patent 12,159,310 B2)

Corporation and indirect parent entity of Fifth Third Bank N.A.” Paper 14, 2.

Petitioner’s amendment of its RPI disclosures results in according the Petition a new filing date. Petitioner’s updated mandatory notices appear 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 July 13, 2026—the filing date of Petitioner’s updated mandatory notices. *See Corning Optical*, Paper 68 at 24 (citing 37 C.F.R. § 42.106(b)).

In view of the new filing date accorded to the Petition, Patent Owner’s brief requesting discretionary denial, Petitioner’s opposition to Patent Owner’s discretionary denial brief, and Patent Owner’s preliminary response, and all accompanying exhibits, will be expunged. All future deadlines will be based on the new filing date accorded.

In consideration of the foregoing, it is:

ORDERED that the Petition for *inter partes* review in each of the above-captioned proceedings (IPR2026-00277, Paper 2; IPR2026-00279, Paper 2) has been accorded the filing date of July 13, 2026; and

FURTHER ORDERED that the Patent Owner’s request for discretionary denial (IPR2026-00277, Paper 10; IPR2026-00279, Paper 10), Petitioner’s opposition to Patent Owner’s discretionary denial brief (IPR2026-00277, Paper 11; IPR2026-00279, Paper 12), and Patent Owner’s preliminary response (IPR2026-00277, Paper 13; IPR2026-00279, Paper

IPR2026-00277 (Patent 12,211,095 B2)

IPR2026-00279 (Patent 12,159,310 B2)

11), and all accompanying exhibits, shall be expunged from the record in each of the above-captioned proceedings.

IPR2026-00277 (Patent 12,211,095 B2)

IPR2026-00279 (Patent 12,159,310 B2)

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