

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZHUHAI COSMX BATTERY CO., LTD.,

Petitioner,

v.

NINGDE AMPEREX TECHNOLOGY LIMITED,

Patent Owner.

IPR2026-00401

Patent 12,294,082

PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

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EXHIBIT LIST

Exhibit No.	Description
2001	English Translation of Patent Wars Article, available at: https://page.om.qq.com/page/OZJYveYIG42m7AfudmyjOh6g0
2002	CosMX 2026 Semi Annual Report
2003	English translation of excerpts of CosMX 2026 Semi Annual Report
2004	CosMX 2025 Annual Report
2005	English translation of excerpts of CosMX 2025 Annual Report
2006	Listing of Zhuhai Huafa Group Co., Ltd. Management Team, available at: https://en.cnhuafag.com/about/team.html
2007	History of Zhuhai Huafa Group Co., Ltd., available at: https://en.cnhuafag.com/about/history.html
2008	Industrial Investment Sector, available at: https://en.cnhuafag.com/industry/54.html
2009	Translation certificate for Exhibits 2001, 2003, and 2005

I. INTRODUCTION

Ningde Amperex Technology Limited (“ATL” or “Patent Owner”) respectfully requests that the Director exercise discretion under 35 U.S.C. § 314(a) to deny institution of the Petition filed by Zhuhai CosMX Battery Co., Ltd. (“CosMX” or “Petitioner”) against U.S. Patent No. 12,294,082 (the “’082 Patent”). This request is submitted under the Acting Director’s March 26, 2025 Memorandum, “Interim Processes for PTAB Workload Management” (the “Interim Process”), which governs because Patent Owner’s preliminary response is due after March 26, 2025. Several independent § 314(a) considerations, each sufficient on its own, warrant denial.

First, no parallel proceeding remains. The only district court action in which the ’082 Patent was asserted - *Ningde Amperex Technology Limited v. Zhuhai CosMX Battery Co.*, No. 2:26-cv-00139-JRG (E.D. Tex.) - was dismissed on June 16, 2026, more than a month before the Petition was accorded its filing date of July 22, 2026. EX1019; Paper 3. The *Fintiv* framework is premised on the advanced state of a parallel proceeding. Where no such proceeding is pending, institution cannot serve as an efficient alternative to litigation; it would only open a new forum after the dispute the parties chose to end. *Apple Inc. v. Fintiv, Inc.*, No. IPR2020-00019, Paper 11, 2020 WL 2126495, at *3-*4 (P.T.A.B. Mar. 20, 2020) (precedential).

It is not an efficient use of Office resources to review a patent that has been removed from the parallel litigation. *See Ericsson Inc. v. Procomm Int'l Pte. Ltd.*, IPR2024-01452, 2025 WL 1758910 (P.T.A.B. June 25, 2025).

Second, though the '082 Patent issued relatively recently, Petitioner certainly has been aware of it and the other patents owned by Patent Owner, including related patents, given the years of litigation between the Parties, yet delayed filing this IPR. *See Ex. 2001.*

Third, CosMX has mounted a campaign of serial and multiple petitions against ATL's patent portfolio, and the Office has already denied institution of CosMX petitions against ATL patents on discretionary grounds. *Zhuhai CosMX Battery Co. v. Ningde Ampere Tech. Ltd.*, No. IPR2025-00722, Paper 11 (P.T.A.B. Sept. 3, 2025). Congress created *inter partes* review as an alternative to litigation, not a tool for repeated administrative attacks.

Fourth, the Petition's obviousness case rests entirely on prior art that was never before the Examiner, marshaled through the opinions of a retained expert. That reliance on expert testimony to supply what the intrinsic record does not confirm that institution would not serve the efficiency goals of the AIA. For each of these independent reasons, and on the totality of the circumstances, discretionary denial is warranted.

Fifth, CosMX fails to correctly name the real parties in interest. Petitioner lists seven entities as RPIs but makes critical errors. *See* Pet. at 75. First, Petitioner fails to list at least Zhuhai Purida Investment Co., Ltd., which owns more than 10% of Petitioner. Second, Petitioner also fails to list a controlling foreign entity that is ineligible to participate in *inter partes* review. Last, “Zejiang CosMX Battery Co., Ltd.” and “Zejiang CosMX Power Supply Co., Ltd.” are the wrong names.

Sixth, Patent Owner provides a large percentage of the batteries used in smartphones, portable computers, and other portable electronics in the United States, including for large U.S. companies like Apple and Dell. It has an interest in protecting its U.S.-granted intellectual property from attacks by an adjudicated willful infringer.

For these reasons, discretionary denial is warranted.

II. BACKGROUND

A. The '082 Patent

The '082 Patent is titled “Negative electrode and electrochemical apparatus containing same, and electronic apparatus” and is assigned to ATL. EX1001. It issued on May 6, 2025 from an application filed March 29, 2022. EX1001. The patent claims a negative electrode for electrochemical apparatus, such as lithium-ion batteries, with active-material-layer configurations and density ratios directed to improved cycle performance and reduced polarization. EX1001.

B. The Petition and Its Grounds

The Petition challenges claims 1-12 of the '082 Patent as obvious over three references: U.S. Patent Application Publication No. 2018/0248220 to Manabe ("Manabe," EX1005) (for claims 1-4, 7-12); Japanese Patent Publication No. JP 2014-89855 to Inaba ("Inaba," EX1006, EX1007) (combined with Manabe for claims 5 and 6); and Chinese Patent Application CN 109509909 A to Wang ("Wang," EX1008, EX1009) (combined with Manabe for claim 5). Pet. at 13-14. The Petition is supported by a declaration from Petitioner's retained expert, Dr. Samuel P. Guido. EX1003. The Petition concedes that "[n]one of the references relied upon in the Grounds below were before the Examiner during prosecution" of the challenged patent. Pet. at 10. The entire obviousness case therefore rests on art the Office never considered, presented through the opinions of a paid expert.

C. Related Proceedings

ATL asserted the '082 Patent against CosMX in *Ningde Amperex Technology Limited v. Zhuhai CosMX Battery Co., Ltd.*, No. 2:26-cv-00139-JRG (E.D. Tex.). EX1018. That action was voluntarily dismissed without prejudice, and the court entered an order of dismissal that closed the case, before any defendant answered the complaint. EX1019. The Petition was accorded a filing date of July 22, 2026 - after the dismissal. Paper 3.

CosMX has filed a series of petitions against ATL's patent portfolio. Concurrent with this Petition, CosMX filed petitions challenging ATL's U.S. Patent Nos. 10,916,769 (IPR2026-00398), 12,374,686 (IPR2026-00399), 11,699,808 (IPR2026-00408), 12,334,494 (IPR2026-00402), and 12,278,330 (IPR2026-00409). Paper 5. CosMX has challenged ATL patents unsuccessfully before as well. The Office denied institution of CosMX's petition in IPR2025-00722 on discretionary grounds, and the Director later vacated an institution grant and denied institution of CosMX's petition against another ATL patent. *Zhuhai CosMX Battery Co. v. Ningde Amperex Tech. Ltd.*, No. IPR2025-00722, Paper 11 (P.T.A.B. Sept. 3, 2025); *Zhuhai CosMX Battery Co. v. Ningde Amperex Tech. Ltd.*, No. IPR2025-00405, 2025 WL 2939499 (P.T.A.B. Oct. 15, 2025).

III. LEGAL STANDARDS

Under the Interim Process, decisions on institution are bifurcated. The Director first determines whether discretionary denial is appropriate, and only if it is not does the Director refer the petition to a three-judge panel to decide the merits. The Interim Process invites the parties to address any fact or circumstance bearing on the Director's discretion to institute.

Section 325(d) permits the Director to "reject the petition ... because[] the same or substantially the same prior art or arguments previously were presented to the Office." 35 U.S.C. § 325(d). The Board applies a two-part framework: first,

whether the same or substantially the same art or arguments were previously presented to the Office, and second, if so, whether the petitioner has shown that the Office erred in a manner material to patentability. *Nespresso*, 2022 WL 212376, at *3. The statute is disjunctive, so the inquiry shifts to material error where either the art or the arguments were previously presented. *Id.* Previously presented art includes art the Examiner applied and art submitted on an Information Disclosure Statement. *Id.* The *Becton, Dickinson* factors guide this analysis. *Becton, Dickinson & Co. v. B. Braun Melsungen AG*, No. IPR2017-01586, 2017 WL 6405100, at *6 (P.T.A.B. Dec. 15, 2017) (precedential). Factors (a), (b), and (d) inform whether the same or substantially the same art or arguments were presented, and factors (c), (e), and (f) inform whether the petitioner has shown material error. *Id.* A petitioner does not establish material error merely by disagreeing with the Examiner. If reasonable minds can disagree about the Examiner's treatment of the art, the Office did not err in a manner material to patentability. *Id.*

Under Section 314(a), the Director also considers discretionary factors identified in the Interim Process, including the settled expectations of the parties, such as the length of time the claims have been in force. 35 U.S.C. § 314(a). Settled expectations of either party may support denial, and absent persuasive reasoning from a petitioner it is not an appropriate use of resources to review a patent in which the patent owner has developed settled expectations. *Magnolia Med. Techs., Inc. v.*

Kurin, Inc., No. IPR2026-00097, 2026 WL 1348926, at *4 (P.T.A.B. May 14, 2026).

The *Fintiv* factors address discretionary denial based on the advanced state of a parallel district court proceeding.

IV. ARGUMENT

A. No Parallel Proceeding Remains, So Institution Would Serve No Efficiency Interest

Inter partes review was created to provide an efficient alternative to district court litigation. The *Fintiv* factors, which address discretionary denial based on parallel litigation, are premised on the advanced state of a parallel proceeding. The only district court action asserting the '082 Patent was dismissed before the Petition was even filed. EX1018; EX1019. The court entered its order of dismissal and closed the case, and no defendant had answered the complaint. EX1019. The Petition was not accorded a filing date until July 22, 2026 - weeks after the dismissal. Paper 3. There is thus no trial date, no scheduling order, and no litigation investment by any court or party for the Board to defer to. It is not an efficient use of Office resources to review a patent that has been removed from parallel litigation. *See Ericsson Inc. v. Procomm Int'l Pte. Ltd.*, IPR2024-01452, 2025 WL 1758910 (P.T.A.B. June 25, 2025).

Because no litigation remains, institution cannot serve as an alternative to litigation. It would instead create a proceeding where none is otherwise needed,

consuming Board resources to adjudicate the validity of a patent the parties are no longer litigating. Congress intended AIA review to narrow disputes, not to open a new forum after the dispute has ended. *Magnolia Med. Techs.*, 2026 WL 1348926 at *1. The efficiency rationale that might support institution is therefore absent, and this factor favors denial.

This is not the first time IPRs would have been denied because a patent was no longer asserted in litigation, even when the underlying dismissal was without prejudice. *See, e.g., Google LLC v. Mullen Indus. LLC*, IPR2025-00227, Paper 13, 4 (June 25, 2025) (“it is an inefficient use of Board resources to review the ’540 patent that has been dismissed from the litigation.”); *Mullen Indus. LLC v. Samsung Elec. Co.*, No. 2:24-cv-00049, ECF No. 52 (E.D. Tex. Nov. 21, 2024) (dismissing infringement claims of the ’540 patent without prejudice); *SportRadar AG v. Sportscast Inc.*, IPR2025-00313, Paper 19, 2 (July 16, 2025) (“the challenged claims are no longer asserted in the parallel litigation. Under these circumstances, it is an inefficient use of Board resources to review claims of a patent that are no longer being asserted in district court.”) (cleaned up).

Indeed, in *SportRadar*, the petitioner pointed out that even though the patent owner had stipulated it would not pursue the challenged claims in the district court litigation, the stipulation was arguably without prejudice, so the patent owner could attempt to assert the claims in future proceedings after the petitioner’s IPR deadline

had expired. *SportRadar AG v. Sportscastr Inc.*, IPR2025-00313, Paper 16, 5-6 (June 18, 2025). Even so, the Director held that institution would be an inefficient use of Board resources. *See id.* Here too, instituting review would waste the Board's limited resources.

B. Settled Expectations Favor Denial or Are at Least Neutral

Though the '082 Patent issued relatively recently, Petitioner certainly has been aware of it and the other patents owned by Patent Owner, including related patents, given the years of litigation between the Parties. *See Ex. 2001*. There can be little doubt that, given the Parties' extensive litigation history and ongoing negotiations, Petitioner was aware of the patent challenged in this proceeding well before it filed its Petition. Petitioner has not denied such knowledge in its Petition. Given that the Parties are competitors that have been litigating worldwide since at least January 2022 over Patent Owner's battery-technology patent portfolio, Petitioner would have had every reason to monitor this application and related applications.

Petitioner's longstanding awareness of Patent Owner's involvement in the same technology space also favors discretionary denial. *See Murata Mfg. Co., Ltd. v. Ga. Tech Research Corp.*, IPR2025-00383, Paper 13 at 2-3 (PTAB 2025). The PGR window closed on February 6, 2026 - approximately four months before the Parties reached their global agreement in June 2026. Petitioner, while

simultaneously negotiating a resolution of all disputes, allowed this early-challenge window to lapse. This tactic of intentional delay of Patent Owner's challenges to the '082 Patent should not be rewarded with institution of the present IPR. Instead, the Director should hold that parties demonstrably aware of a patent before its issue date should be encouraged to use early challenges to these patents, including challenges while the patents remain pending, or at least to use the PGR process shortly after the patent issues. *See iRhythm Technologies v. Welch Allyn Inc.*, IPR2025-00377, Paper 10 at 3 (June 6, 2025) ("Petitioner's awareness of Patent Owner's applications and failure to seek early review of the patents favors denial and outweighs the above-discussed considerations."). This delay by Petitioner after being aware of the '082 Patent's family and intentional avoidance of the PGR process favors denial, even if the '082 Patent did not issue until May 2025.

Finally, the Parties' global agreement, resulting in dismissal of all existing litigation between the parties, created its own settled expectation that the current disputes over this patent and its family members had been resolved. Petitioner's decision to disrupt this post-agreement equilibrium by filing new IPRs further compounds the prejudice to Patent Owner and independently favors denial.

**C. CosMX's Serial and Multiple Petitions Against ATL's Portfolio
Counsel Denial**

CosMX has repeatedly used the *inter partes* review process against ATL. It filed petitions against at least five other ATL patents at or near the time of this Petition. Paper 5. It has done so before as well, and the Office denied institution of its petition in IPR2025-00722 on discretionary grounds. *Zhuhai CosMX Battery Co. v. Ningde Amperex Tech. Ltd.*, No. IPR2025-00722, Paper 11 (P.T.A.B. Sept. 3, 2025). The Office has also denied a CosMX petition against an ATL patent even after initially granting review: in IPR2025-00405, the Director vacated the institution grant and denied institution. *Zhuhai CosMX Battery Co. v. Ningde Amperex Tech. Ltd.*, IPR2025-00405, 2025 WL 2939499, at *1 (P.T.A.B. Oct. 15, 2025).

The Office has recognized that AIA reviews can be misused for repeated challenges, contrary to Congress's intent that review serve as an alternative to litigation rather than an addition to it. *Magnolia Med. Techs.*, 2026 WL 1348926, at *1. The Board's serial-petition jurisprudence confirms the point. *Gen. Plastic Indus. Co., Ltd. v. Kaisha*, No. IPR2016-01357, 2017 WL 3917706, at *4 (P.T.A.B. Sept. 6, 2017); *Pacificorp & Midamerican Energy Co. v. Birchtech Corp.*, No. IPR2025-00687, 2026 WL 85526, at *1 (P.T.A.B. Jan. 12, 2026). CosMX's pattern of serial filings against ATL's portfolio, combined with the dismissal of the underlying

litigation, reflects the kind of repeated, resource-intensive challenge that the discretionary framework is designed to curb. This factor supports denial.

D. The Petition's Heavy Reliance on a Retained Expert Further Supports Denial

The Petition's obviousness case rests on three references - Manabe, Inaba, and Wang - that were never before the Examiner, assembled and explained through the declaration of Petitioner's retained expert, Dr. Gido. EX1003. A petition that leans on expert testimony to fill gaps in the prior art, rather than to explain the background knowledge of a person of ordinary skill in the art, weighs in favor of denial. *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, No. IPR2025-00363, 2025 WL 1606488 (P.T.A.B. June 6, 2025).

That the Petition is supported by expert testimony the Examiner never had does not, without developed analysis, establish that review of the '082 Patent is warranted. *Nespresso USA, Inc. v. K-Fee Sys. GmbH*, No. IPR2021-01222, 2022 WL 212376, at *11 (P.T.A.B. Jan. 18, 2022). At most, CosMX offers a competing, expert-driven reading of art it has assembled for the first time in this proceeding. Asking the Office to take up that reading - after the parties' dispute has ended and alongside a wave of parallel petitions - is not an efficient use of Office resources and further supports denial.

E. CosMX Fails to Correctly Name the Real Parties in Interest

The Petition identifies the following “real parties-in-interest:”

- Zhuhai CosMX Battery Co., Ltd.;
- Chongqing CosMX Battery Co., Ltd.;
- Zhuhai CosMX Power Jinwan Subsidiary Co., Ltd.;
- Zhuhai CosMX Power Battery Co., Ltd.;
- Zhuhai CosMX Power Supply Co., Ltd.;
- Zhejiang CosMX Battery Co., Ltd.;
- Zhejiang CosMX Power Supply Co., Ltd.; and
- Chongqing CosMX Battery Co., Ltd.

Pet. at 75 (repeated entity Chongqing CosMX Battery Co., Ltd. is contained in the Petitioner’s list).

A petition for *inter partes* review “may be considered only if . . . the petition identifies all real parties in interest.” 35 U.S.C. § 312(a)(2); *see* 37 C.F.R. § 42.8(b)(1). Petitioner fails to do so. *Tianma Microelectronics Co. v. LG Display Co.*, IPR2025-01579, Paper 12, 5 (Director Mar. 18, 2026) (precedential).

Petitioner lists seven entities as RPIs but makes critical errors. *See* Pet. at 75. The 2026 Semi-Annual Report of Zhuhai CosMX Battery Co., Ltd. lists Zhuhai Purida Investment Co., Ltd. (“Zhuhai Purida”) as holding 17.57% ownership. Ex. 2003, pp. 65, 197. Worse, Petitioner admits that Zhuhai Purida, “the controlling

shareholder of the Company,” acts in concert with at least nine other unlisted entities. *Id.* Zhuhai Purida does not just own more than 10% of Petitioner; its principal also controls Petitioner. Yanming Xu is both Petitioner’s Chairman of the Board and General Manager and the Executive Director of Zhuhai Purida. There can be no doubt that unlisted Zhuhai Purida and Mr. Xu control Petitioner.

Furthermore, Zhuhai Purida has specifically committed to pay any compensation due to ATL from any adverse judicial rulings against Petitioner, leaving no doubt that it is a true RPI that should have been listed. Ex. 2003, pp. 48-49. Petitioner identifies this commitment in its own public investor filings, leaving no excuse for its failure to identify Zhuhai Purida as an RPI here. *Id.*

This ownership, control, and interest required Petitioner to list Zhuhai Purida in its mandatory notices. *Tianma*, IPR2025-01579, Paper 12, at 8 n.6 (the USPTO “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.”). Indeed, in *Viance, LLC v. Koppers Performance Chemicals Inc.*, PGR2026-00023, Paper 32, at 3 (Director Aug. 19, 2026), the Director denied institution when the petitioner’s majority owner, who had the ability to control the proceeding, was not listed as an RPI. The Director should do so here, where Zhuhai Purida is an RPI that was not identified in the Petition.

Second, Petitioner fails to identify that it is owned and controlled by entities not listed as real parties in interest. As reported in the 2026 Semi-Annual Report, Zhuhai Technology Venture Investment Co., Ltd. (“Zhuhai Technology Venture Investment”) is listed as a shareholder of Petitioner and is foreign entity that is ineligible to participate in *inter partes* review, as expressly classified in the filing’s shareholder table. Ex. 2003, p. 66. Zhuhai Technology Venture Investment owns 1.37% of Petitioner. Ex. 2003, pp. 65-66. Hu Wang serves as a director on Petitioner’s board. Ex. 2003, pp. 33, 198. Prior to his appointment, Hu Wang served as Deputy General Manager of the Investment Business Department at Zhuhai Technology Venture Investment from July 2017 to September 2022. Ex. 2005, pp. 46-53. In September 2022, Hu Wang transitioned directly from that entity to Zhuhai Huajin Innovation Investment Co., Ltd., where he currently holds the title of Investment Director. *Id.* Zhuhai Huajin Innovation Investment Co., Ltd. is ultimately owned by Zhuhai Huajin Capital Co., Ltd., which is a controlled subsidiary of Zhuhai Huafa Group Co., Ltd., a Zhuhai foreign entity that is ineligible to participate in *inter partes* review. Ex. 2006; Ex. 2007. Zhuhai Technology Venture Investment is also a subsidiary of Zhuhai Huafa Group Co., Ltd. Ex. 2008. As such, not only does a foreign entity have an ownership interest in Petitioner, it appears to have the ability to control Petitioner through at least its director, Mr. Hu.

In view of this evidence, it is Petitioner's burden to establish that it has complied with the statutory requirement to identify all real parties-in-interest. *Zerto, Inc. v. EMC Corp.*, IPR2014-01254, Paper 35, at 7 (P.T.A.B. Mar. 3, 2015); *see also Yangtze Memory Techs. Co. v. Micron Tech., Inc.*, IPR2025-00098, Paper 38, at 7 (Director Jan. 15, 2026) (informative); *Corning Optical Commc'ns RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 (P.T.A.B. Aug. 18, 2015) (precedential); *Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1242 (Fed. Cir. 2018); *Curium US LLC v. Universitaet Heidelberg*, IPR2025-01582, Paper 11 (informative). Petitioner cannot do so.

These facial defects and omissions place the completeness and accuracy of Petitioner's real party in interest disclosure in dispute, and they prevent the Office from verifying whether all RPIs have been named, as required by Section 312(a)(2). *See also Applications in Internet Time, LLC v. RPX Corp.*, 897 F.3d 1336, 1351 (Fed. Cir. 2018) ("Determining whether a non-party is a 'real party in interest' demands a flexible approach that takes into account both equitable and practical considerations, with an eye toward determining whether the non-party is a clear beneficiary that has a preexisting, established relationship with the petitioner.").

Applying these standards here, Petitioner's misspellings and failure to identify the broader controlled corporate family gives rise to a dispute concerning real party in interest that Petitioner must resolve with proof before institution. Proceeding

without a complete real party in interest record would contravene the AIA's threshold requirements and the Board's gatekeeping function.

Petitioner's only other recourse is amendment. There is no reason to allow Petitioner to amend its listing of real parties in interest, especially given that its failure to list Zhuhai Purida is glaring in light of Purida's commitment to pay any judgment owed to Patent Owner. And even if Petitioner could amend, the Petition must fail because certain entities, including Zhuhai Huafa Group, are RPIs to this proceeding and are ineligible to participate in *inter partes* review. *Tianma*, IPR2025-01579, Paper 12, 5 (barring a petition when a foreign government is an RPI of a petitioner).

Thus, no filing date should be accorded the Petition under 35 U.S.C. § 312. *See* 37 C.F.R. § 42.106.

F. There Exists Compelling Economic Interests Favoring Denial

An additional factor favoring discretionary denial is that the Patent Owner provides a large percentage of the batteries used in smartphones, portable computers, and other portable electronics in the United States, including for large U.S. companies like Apple and Dell. It has an interest in protecting its U.S.-granted intellectual property from attacks by an adjudicated willful infringer. Patent Owner continuing to invest in its research and development as well as a continued willingness to supply the United States is a compelling reason for IPR denial.

V. CONCLUSION

No parallel proceeding remains: the parties' litigation over the '082 Patent was dismissed before the Petition was filed, so institution could streamline nothing and would serve no efficiency interest. The parties' dispute over the patent has concluded, leaving no live controversy for the Office to resolve. CosMX's serial and multiple petitions against ATL's portfolio, together with the Office's prior discretionary denials of CosMX petitions, confirm that institution would not advance the efficiency goals of the AIA. And the Petition's obviousness case depends entirely on art the Examiner never saw, marshaled through a retained expert. For each of these independent reasons, and on the totality of the circumstances, Patent Owner respectfully requests that the Director deny institution.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a copy of the foregoing was served to the following lead counsel of record for Petitioners as follows:

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