

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIANCE, LLC,
Petitioner,

v.

KOPPERS PERFORMANCE CHEMICALS, INC.,
Patent Owner.

PGR2026-00023

Patent 12,370,716 B2

PATENT OWNER'S REPLY BRIEF IN SUPPORT OF REQUEST THAT
INSTITUTION BE DENIED ON DISCRETIONARY GROUNDS

Pursuant to the Office’s authorization on June 29, 2026, Patent Owner (“P.O.”) submits this Reply to Petitioner’s (“Viance”) Corrected Discretionary Denial Opposition (“Opp.”) to address the RPI issue. Ex. 3101, 1.

I. VIANCE DOES NOT MEANINGFULLY REBUT THAT [REDACTED] ARE RPIS

Viance presents two arguments disputing that [REDACTED] are RPIS to this proceeding. Opp. at 6-10. First, Viance attempts to distinguish the precedential *Ventex* decision by arguing that P.O. has not yet [REDACTED]. Opp. at 6. Second, Viance attempts to distinguish this Board’s precedent by arguing that [REDACTED]. Opp. at 6-9. Neither argument has merit. [REDACTED], Viance neither disputes that it has [REDACTED], nor does Viance dispute that [REDACTED]. Pet. at 48-59. Accordingly, although Patent Owner has not yet [REDACTED], they nonetheless are clear beneficiaries of this PGR proceeding. *Ventex*, IPR2017-00651, Paper 148 at 7-10.

On the time-bar argument, the assumption underpinning Viance’s argument—that neither [REDACTED] are time barred—is incorrect. As explained in P.O.’s Brief Requesting Discretionary Denial (“R.D.D.”), which Viance does not dispute, “[REDACTED] ... would be time barred” R.D.D. at 11-12.

II. [REDACTED] IS AN RPI

To rebut the R.D.D.'s evidence that [REDACTED] is an RPI, Viance offers [REDACTED]
[REDACTED]
[REDACTED]. Ex. 1091 ¶¶ 7-8. However, as the Director recently reaffirmed, “RPIs are not limited to entities that are actually funding and controlling the proceeding, but include entities that have the *ability* to control the proceeding.” *Sun Pharma. Indus., Inc. v Biofrontera, Inc.*, PGR2026-0002, Paper 12 at 2-3 (Director May 26, 2026). Yet [REDACTED]
[REDACTED]. Ex. 1088, 8-9 ([REDACTED]
[REDACTED]).

III. VIANCE CONFIRMS THAT [REDACTED] ALSO IS AN RPI

Viance [REDACTED]
[REDACTED] Opp. at 4. Yet the evidence cited by Viance confirms that [REDACTED]
[REDACTED]
[REDACTED]. Ex. 1089, 2, 19 ([REDACTED]
[REDACTED] [REDACTED] [REDACTED]); Ex. 1090, 2, 19 (same); *see* <https://lanxess.com/en/investors/corporate-governance/equity-interest> (identifying the 100% equity interest [REDACTED]).

Dated: July 7, 2026

Respectfully submitted,

/Jonathan Detrixhe/

Jonathan I. Detrixhe (Reg. No. 68,556)

Reed Smith LLP

101 Second Street, Suite 1800

San Francisco, CA 94105

Tel: 415.543.8700

Fax: 415.391.8269

jdetrrixhe@reedsmith.com

Robert R. Riddle (Reg. No. 69,599)

Reed Smith LLP

1221 McKinney Street, Suite 2100

Houston, Texas 77002

Tel: (713) 469-3800

Fax: (713) 469-3899

Email: rriddle@reedsmith.com

Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on July 7, 2026, a true and correct copy of the foregoing Patent Owner's Reply Brief In Support of Request that Institution Be Denied on Discretionary Grounds was served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

PGR2026-00023@mcandrews-ip.com.

Date: July 7, 2026

/Jonathan Detrixhe/
Jonathan I. Detrixhe (Reg. No. 68,556)