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Paper 32
Date: August 19, 2026

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

VIANCE, LLC,
Petitioner,

v.

KOPPERS PERFORMANCE CHEMICALS, INC.,
Patent Owner.

PGR2026-00023
Patent 12,370,716 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

Koppers Performance Chemicals, Inc. ("Patent Owner") filed a request for discretionary denial (Papers 11 (sealed), 12 (redacted), "DD Req.") in the above-captioned case, and Viance, LLC ("Petitioner") filed an opposition (Papers 20 (redacted), 21 (sealed), "DD Opp.").[1] With authorization, Patent Owner filed a reply to Petitioner's opposition (Papers 24 (sealed), 25 (redacted), "PO Reply") and Petitioner filed a sur-reply (Paper 26, "Pet. Sur-reply"). On August 6, 2026, after considering the parties' arguments and the record, and in view of all relevant considerations, I issued a Notice indicating that institution was denied in this proceeding. Paper 30.

Patent Owner contends Petitioner fails to properly identify all real parties in interest ("RPI") and the Petition should be denied. DD Req. 2–3 (citing *Corning Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 at 4 (PTAB Aug. 18, 2015) (precedential except for § II.E.1)). Specifically, Patent Owner argues that Petitioner's corporate owner Venator is an unnamed RPI. *Id.* at 5–9.[2] For the reasons discussed below, I am persuaded that Venator is an unnamed RPI.

Patent Owner argues that Venator is an RPI to the proceeding because (1) Venator is Petitioner's majority owner, (2) Venator is the "clear beneficiary" of this proceeding, and (3) Venator could exercise control over the proceeding. DD Req. 5–8. First, Patent Owner argues that Venator owns 50.001% of Petitioner. *Id.* at 5–6 (citing Ex. 2006, 275–78; Ex. 2001,

[1] All citations are to the redacted Papers.
[2] Patent Owner separately argues that Petitioner's customers are unnamed RPIs. DD Req. 9–11. Petitioner persuasively argues that its customers are not RPIs, and I do not further address Patent Owner's argument that Petitioner's customers are RPIs. *See* DD Opp. 10–17.

11; Ex. 2006, 73). Patent Owner correctly identifies 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. *Id.* at 5 (citing *Tianma Microelectronics Co., Ltd. v. LG Display Co., Ltd.,* IPR2025-01579, Paper 12 at 8 n.6 (Director Mar. 18, 2026) (precedential)). Petitioner acknowledges that Venator and Lanxess are joint owners/members of Petitioner but fails to name them as RPIs in the Petition. *See* DD Opp. 4–5; Paper 3, 94.

Second, Patent Owner argues that Venator has acknowledged control over Petitioner. *See* DD Req. 8–9 (citing Ex. 2003, 96; Ex. 2009, 11). In response, Petitioner argues that Venator and Lanxess do not control Petitioner or this proceeding. *See* DD Opp. 3–5 (citing Ex. 1091, Declaration of Mr. Jonathan Moyes, Viance Chief Financial Officer, "Moyes Decl."). Specifically, Mr. Moyes testifies that "it is my understanding and belief that neither Venator nor Lanxess is able to exert unilateral control over Viance and that neither of Venator or Lanxess has the ability to control Viance's operations." Moyes Decl. ¶ 7 (citing Ex. 1088, 8).

However, as I previously explained, 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. *See Tianma,* IPR2025-01579, Paper 12 at 9–10. Petitioner argues that its two owners do not have unilateral control of Petitioner. However, unilateral control is not the standard, and control of Petitioner is vested solely in its two owners as members of the Board of Directors. *See* Moyes Decl. ¶ 7. Accordingly, I am not persuaded that Venator and Lanxess do not have the ability to control

this proceeding, and on this record, Petitioner fails to establish that it has identified all RPIs.

Patent Owner further argues that Petitioner cannot correct its RPI listing because adding an RPI would require a new filing date that places the Petition outside the 9-month window for filing a PGR. DD Opp. 11–12 (citing *Corning*, IPR20214-00440, Paper 68 at 24). Patent Owner is correct. *See Sun Pharm. Indus., Inc. v. Biofrontera, Inc.*, PGR2026-00021, Paper 12 at 4 (Director May 26, 2026) (denying PGR petition because Petitioner did not meet the requirement to name all RPI within the statutory timeframe for filing a PGR petition). Accordingly, this Petition is denied, and Petitioner may file an IPR petition listing the appropriate real parties in interest.[3]

In consideration of the foregoing, it is:

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

[3] If Petitioner chooses to file an IPR petition, that petition will not be considered a repeat challenge for discretionary purposes.

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