

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICA UGREEN LIMITED,
Petitioner,

v.

SARIANA LLC,
Patent Owner.

Case No. PGR2026-00062
U.S. Patent No. 12,436,567

PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL OF INSTITUTION

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Exhibit No.	Description
2001	Declaration of Alan Turksu in Support of Patent Owner’s Request for Discretionary Denial
2002	SBA 504 Loan Terms & Conditions / Authorization (approved Mar. 13, 2026)
2003	SBA Note (CDC/504), conformed copy (June 2026) (wire transfer instructions redacted)
2004	California Competes Tax Credit Allocation Agreement (executed Oct. 2022, \$1.18M)
2005	Phase I Environmental Site Assessment, 10637 Scripps Summit Ct. (Jan. 2026) (excerpts; Dye Precision ~46 CNC machines)
2006	Offering Memorandum, 10637 Scripps Summit Ct. (2,000A/277-480V heavy power; Dye Precision tenancy)
2007	Summit Electrical tenant-metering budget (July 21, 2026)
2008	CBRE Sourcing Memo, 10547 Viper Way (Nov. 28, 2022—“Corporate Headquarter / Manufacturing Facility”)
2009	Unsolicited Offer to Purchase, 10547 Viper Way (Dec. 12, 2022)
2010	CBRE Brochure, 1695 Faraday Ave., Carlsbad (3,000A; cGMP-ready)
2011	Rule 132 Declaration of Alan Turksu (July 1, 2025) (from prosecution history)
2012	Ugreen Group Limited, Application Proof for listing on The Stock Exchange of Hong Kong (Aug. 25, 2026) (excerpts)
2013	Email from S. Orgain, JTEKT Machinery Americas Corp., to A. Turksu, “JTEKT Machinery Stock CNC Machines” (May 11, 2026), with attached stock list

I. INTRODUCTION

Pursuant to 35 U.S.C. § 324(a) and the USPTO's Interim Director Discretionary Process, Patent Owner respectfully requests that the Director exercise discretion and deny institution.

Sariana LLC, dba Satechi, is a 65-person company started in a garage in San Diego. Just eight days before this Petition was filed, it received five million dollars in the form of a loan from the U.S. Small Business Administration to buy a heavy-power industrial building and begin fitting it out, with plans to manufacture products in the United States including products covered by the challenged patent. America Ugreen is the import arm of a Shenzhen-listed manufacturer that has been sued by no one over this patent. The ability of Sariana to protect its inventions via its patents is an important factor that makes it possible to make its investments in U.S. manufacturing. Under the Director's March 2026 memorandum concerning American manufacturing operations and investment, these facts strongly weigh against institution.

Even if Patent Owner were not presently investing to establish U.S. manufacturing operations, the Petition additionally suffers from two major defects that would each be sufficient for the Director to exercise his discretion to deny institution.

First, the publicly traded Ugreen group’s own Hong Kong listing document places three shareholders above the ten-percent ownership line set forth in *Tianma* and *Viance*, including the chairman and 45.27% shareholder, whom that document designates the group’s “Controlling Shareholder.” None of these three 10+% shareholders is named as a real party in interest, and the defect cannot be cured: adding a real party in interest requires a new filing date, and the post-grant window closed July 7, 2026.

Second, three weeks before allowance the applicant put before the Examiner a sworn Rule 132 declaration of awards, first-month sales, and feature-specific praise—evidence with a clear nexus to the claimed invention. Petitioner filed that record as its own exhibit yet never mentions the declaration in its eight obviousness grounds. Thus the record contains clear evidence of secondary considerations which the Office has previously found to be persuasive and which the Petition fails to even acknowledge, much less rebut.

II. STATEMENT OF FACTS

United States Patent No. 12,436,567, “Stand for Mini-Computer,” issued to Sariana LLC of San Diego, California on October 7, 2025. Ex. 1001. On May 7, 2025, the Examiner rejected then-pending claims 1–14 as obvious, relying in part on the MacRumors article Petitioner now files as Exhibit 1014 and reasoning that a skilled artisan would place a corner opening to reach the

M4 Mac mini's bottom-mounted power button. Ex. 1002 (Non-Final Office Action, May 7, 2025), at 12–13; Pet. 15 n.2.

On July 8, 2025, the applicant cancelled claims 1–14 and presented new claims 15–22, reciting for the first time an integrated back-corner cutaway in the top and side portions that does not extend through the bottom side. Ex. 1002 (Response filed July 8, 2025), at 9. The response was accompanied by an Alan Turksu declaration under § 1.132 setting out five CES 2025 awards, first-month unit sales, industry skepticism about the button's placement, and six contemporaneous publications praising the claimed cutaway by name. Ex. 2011 ¶¶ 7, 12–14, 16. Petitioner filed that declaration and its exhibits as part of its own Exhibit 1002, at pages 129–76. Three weeks after the response, the Examiner allowed claims 15–22—which issued, renumbered, as claims 1–8—finding that the best prior art of record failed to teach that cutaway geometry. Ex. 1002 (Notice of Allowability, July 29, 2025), at 3; Ex. 1001.

Patent Owner has designed and sold consumer-electronics accessories under the Satechi brand from San Diego since 2005 and employs approximately 65 people, 56 in the United States. Ex. 2001 ¶¶ 5, 12. It designed and prototyped the patented stand and hub in San Diego. Ex. 2001 ¶ 29. To date, Patent Owner's patented products have been manufactured in China.

Patent Owner has long sought to move both its warehousing operations

and portions of its product manufacturing to the United States. To achieve this goal, it began searching for a larger building with heavy electrical service in 2022. Patent Owner instructed its broker to look for buildings with at least 2,000 amps of electrical service, so that the building could later support machine tools. Ex. 2001 ¶ 17. That search produced 10547 Viper Way, a 32,180-square-foot building marketed as a “Corporate Headquarter / Manufacturing Facility” with “3,200 amps of power,” on which Patent Owner authorized an \$11,263,000 offer on December 12, 2022. Ex. 2008, at 1, 3; Ex. 2009, at 1. It also produced 1695 Faraday Avenue in Carlsbad, marketed as an “Industrial / Flex / cGMP Ready Facility” with “3,000 amps, 277/480v.” Ex. 2010, at 1, 3.

On March 23, 2026, Patent Owner bought 10637 Scripps Summit Court in San Diego, a 60,334-square-foot industrial building, for approximately \$15.2 million. Ex. 2001 ¶¶ 19, 21. The building is zoned IP-2-1 and is “designated light industrial development by the City of San Diego,” and the seller’s offering memorandum states its power as “2,000a/270 - 480v 3p 4w Heavy.” Ex. 2005, at 8; Ex. 2006, at 6. Its principal tenant, Dye Precision CNC, Inc., machined aerospace parts there with forty-six computer-numerical-control machines until that tenant’s lease expired on March 31, 2026; the machines left with their owner, and Patent Owner occupied Suites A and B of the building by July 2026. Ex. 2005, at 4, 8; Ex. 2006, at 7; Ex. 2007, at 1–2;

Ex. 2001 ¶¶ 23–24. Patent Owner financed part of the purchase price with a \$5,000,000 debenture guaranteed by the United States Small Business Administration under the SBA’s 504 program, approved March 13, 2026 and funded June 17, 2026—eight days before the Petition. Ex. 2002, at 1; Ex. 2003, at 1; Paper 3.

The Petition identifies two real parties in interest: America Ugreen Limited of Wilmington, Delaware, and Shenzhen Ugreen Technology Co., Ltd. of Shenzhen, Guangdong. Pet. 1. UGREEN’s own Hong Kong listing document places each of its self-operated production facilities in China and describes America Ugreen as a wholly owned subsidiary whose business is “[s]ales of products in the American market.” Ex. 2012, at 2, 6–7. Ugreen Group Limited reported 5,097 full-time employees at the end of 2025 and 5,875 as of June 30, 2026. Ex. 2012, at 10.

III. PATENT OWNER’S U.S. INVESTMENT AND SMALL-BUSINESS NATURE, AND PETITIONER’S FOREIGN MANUFACTURING, WEIGH DECISIVELY AGAINST INSTITUTION

The AIA requires the Director, in setting post-grant review institution standards, to consider their effect on the “economy, the integrity of the patent system, the efficient administration of the Office, and the ability of the Office to timely complete proceedings.” 35 U.S.C. § 326(b); USPTO Memorandum, *Additional Discretionary Institution Considerations: U.S. Manufacturing and*

Small Business Use of AIA Proceedings, at 1 (Mar. 11, 2026) (“Squires U.S. Manufacturing Memorandum”). The memorandum grounds itself in the migration overseas of substantial segments of the domestic manufacturing base, “particularly in the electronics and computer industries”—the industry in which both parties compete. Squires U.S. Manufacturing Memorandum at 1.

A stated concern of the Memorandum is the users of AIA proceedings that “do not have a significant, existing manufacturing presence in the United States, nor are they taking concrete steps to invest in American manufacturing,” and the memorandum invites the showing that follows: “To assist the Office in gathering data about the extent to which AIA proceedings give a tactical advantage to companies that neither manufacture in the United States, nor are making American manufacturing investment, the Office encourages parties to identify relevant facts in their discretionary briefing.” *Id.* at 2. These facts are also cognizable under the Director’s enumerated consideration of compelling economic interests.

The Director has since confirmed, in a precedential decision, both that these considerations belong in discretionary briefing and what the Office’s own data show about who uses these proceedings. Under the heading “Not the Province of Small, U.S.-Based Manufacturers,” the Director explained that “a

handful of market dominant companies have filed most petitions for AIA review,” and that “the notion that AIA review is the province of small or primarily U.S.-based manufacturers does not appear consistent with the data.” *Magnolia Medical Technologies, Inc. v. Kurin, Inc.*, IPR2026-00097, Paper 17, at 4–5 (Director May 14, 2026) (precedential). The same decision confirms that the “U.S. Manufacturing Memorandum encourages petitioners and patent owners to discuss American manufacturing and/or small business considerations in their discretionary briefing,” and that the memorandum “encourages petitioners that have been sued for infringement to identify themselves as small businesses.” *Id.* at 7.

The ’567 product was designed in San Diego and prototyped there on Patent Owner’s own three-dimensional printers. Ex. 2001 ¶ 29. Its San Diego staff pick, pack, label, inspect finished goods for conformity to specification, and test them before shipment. Ex. 2001 ¶ 15. Under an allocation agreement executed with the State in October 2022, Patent Owner committed to a schedule of annual full-time-equivalent employment and to \$12,310,000 in investment milestones, subject to annual reporting, Franchise Tax Board examination, and recapture of the \$1,180,000 credit. Ex. 2004, at 2–3, 8.

On March 23, 2026, Patent Owner bought the 60,334-square-foot indus-

trial building at 10637 Scripps Summit Court for approximately \$15.2 million—roughly four times the size of the 15,000-square-foot leased premises it had outgrown. Ex. 2001 ¶¶ 19, 21. It financed the purchase in part with a \$5,000,000 debenture guaranteed by the United States Small Business Administration under the SBA’s 504 program, which the Administration extends to fund the purchase of owner-occupied real property by small businesses. The Administration approved the loan on March 13, 2026, identifying the borrower as “Sariana LLC dba Satechi” at 10637 Scripps Summit Court; Patent Owner signed the note on May 6, 2026; and the debenture funded on June 17, 2026—eight days before the Petition. Ex. 2002, at 1–2; Ex. 2003, at 1.

The building is manufacturing-capable. The seller’s offering memorandum states its power as “2,000a/270 - 480v 3p 4w Heavy”; the service is 2,000 amps at 277/480 volts, three-phase, four-wire. Ex. 2006, at 6; Ex. 2001 ¶ 22. The building is zoned IP-2-1 and “designated light industrial development by the City of San Diego,” and the tenant that occupied 92 percent of it until March 31, 2026 ran a machine shop inside that envelope: “Onsite operations for Dye Precision CNC Inc. include machining of aerospace parts using CNC cutting machines (46 onsite).” Ex. 2005, at 4, 8; Ex. 2006, at 7. Those machines belonged to the departing tenant and left with it. What Patent Owner bought is the envelope that ran them.

Within weeks of taking the space, Patent Owner engaged a licensed electrical contractor, which walked the job on July 8, 2026 and budgeted \$49,391 to reconfigure the building's electrical distribution and metering among its suites, including a 1,200-amp three-phase meter point, and priced an alternate that would eliminate metering for Suite C if Patent Owner occupies that suite itself. Ex. 2007, at 1–3. That work is a necessary step before Patent Owner can install manufacturing equipment at the facility.

Patent Owner plans to begin with CNC machining—the operation the prior tenant ran in the same building—and has been in contact with machine-tool suppliers: for example in May 2026, before the Petition was filed, a United States distributor sent Mr. Turksu its current inventory of CNC machining centers, lathes, and grinders and offered to quote a machine configured for Patent Owner's application, and Patent Owner has since requested formal quotations. Ex. 2013; Ex. 2001 ¶ 28. Its current target is to begin initial U.S. manufacturing at the building by the end of 2028. Ex. 2001 ¶ 26.

On Petitioner's side, the named real parties in interest are America Ugreen Limited of Wilmington, Delaware, and Shenzhen Ugreen Technology Co., Ltd. Pet. 1. UGREEN's own Hong Kong listing document places every one of its self-operated production facilities in China—Shenzhen and Huizhou in Guangdong, and Ji'an in Jiangxi—and describes America Ugreen as a sales

subsidiary that “procures products from our PRC subsidiaries with the products shipped in bulk from the Chinese mainland to the warehouses in the U.S.” Ex. 2012, at 2, 7, 9. UGREEN discloses no production facility outside China. Id. at 2. Neither is Petitioner’s group a small business on any measure the memorandum contemplates: Ugreen Group Limited reported 5,097 full-time employees at the end of 2025 and 5,875 as of June 30, 2026, with “[t]he vast majority of [its] employees . . . based in Chinese mainland,” Ex. 2012, at 10. Petitioner has not identified itself as a small business sued for infringement, and it could not: no one has sued it on the ’567 patent. The federal government, meanwhile, has approved Patent Owner for a lending program reserved to small businesses subject to the same size standards the memorandum directs the Director to consult. Ex. 2002, at 1, 9; 13 C.F.R. §§ 121.801–121.805.

The March Memorandum’s first factor is not limited to existing finished manufacture; it reaches products “related to investments in American manufacturing operations,” and says to weigh “not only assembly of the final product in the United States.” Squires U.S. Manufacturing Memorandum at 2. The record here shows substantial tangible investments toward establishing American manufacturing operations, including the SBA loan-financed purchase and upgrade of a building specifically suited for these operations. Patent Owner’s

American investment and small-business nature, set against Petitioner’s foreign manufacturing, weigh strongly in favor of discretionary denial.

IV. THE PETITION HAS NOT ESTABLISHED THAT ALL REAL PARTIES IN INTEREST ARE NAMED

A. Section 322(a)(2) Is a Threshold Condition, and Once Patent Owner Puts the Disclosure in Dispute, Compliance Is Petitioner’s to Establish

A petition for post-grant review “may be considered only if . . . the petition identifies all real parties in interest.” 35 U.S.C. § 322(a)(2); *see* 37 C.F.R. § 42.8(b)(1).

The Office has explained why: “the integrity of PTAB proceedings depends on knowing who is behind a petition—who funds it, directs it, and/or benefits from it.” *Tianma Microelectronics Co. v. LG Display Co.*, IPR2025-01579, Paper 12, at 7 (Director Mar. 18, 2026) (precedential). That inquiry is “highly fact-dependent” and admits no “bright line test.” *Corning Optical Comm’s RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68, at 14–15 (P.T.A.B. Aug. 18, 2015) (precedential) (except § II.E.1). The Director applied that framework, and the burden sequence set out below, in *Tianma*, IPR2025-01579, Paper 12, at 9–10.

A patent owner “must produce *some* evidence that tends to show that a particular third party should be named a real party in interest.” *Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1244 (Fed. Cir. 2018), *quoted in Tianma*,

IPR2025-01579, Paper 12, at 9. Once it is made, “the burden remains with the petitioner 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). Where a petitioner falls short of the duty, “the USPTO’s mandate to protect the public interest is especially compelling.” *Yangtze Memory Technologies Co. v. Micron Technology, Inc.*, IPR2025-00098, Paper 38, at 7 (Director Jan. 15, 2026) (informative) (vacating institution and denying petitions where the petitioner failed to identify all real parties in interest).

Real parties in interest “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 Pharm. Indus., Inc. v. Biofrontera, Inc.*, PGR2026-00021, Paper 12, at 2 (Director May 26, 2026). Persons can be real parties in interest by virtue of their ownership and board membership in the petitioner. *Viance, LLC v. Koppers Performance Chemicals Inc.*, PGR2026-00023, Paper 32, at 3 (Director Aug. 19, 2026) (“unilateral control is not the standard, and control of Petitioner is vested solely in its two owners as members of the Board of Directors”).

B. Three Shareholders Sit Above the Ten-Percent Line in the Ugreen Group’s Own Listing Document, and the Petition Names None of Them

The Petition’s mandatory notices identify two entities—Petitioner and Shenzhen Ugreen Technology Co., Ltd.—no natural person, and no holder of ten percent or more of either. Pet. 1. The Ugreen group’s own Hong Kong listing document, filed August 25, 2026 and speaking as of August 16, 2026, identifies three such holders: Zhang Qingsen at 45.27 percent, who has chaired the board since June 2021 and whom the document designates the group’s “Controlling Shareholder”; Chen Junling, the vice chairman, at 17.36 percent; and Ugreen Consulting at 11.67 percent. Ex. 2012, at 3, 5, 8, 11–12, 14. In the document’s words, Mr. Zhang “directly held approximately 45.27% of the total issued share capital of our Company and hence was our Controlling Shareholder.” Id. at 3.

The duty to identify shareholders that are able to control an AIA proceeding is not limited to majority shareholders. 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.” *Tianma*, IPR2025-01579, Paper 12, at 8 n.6. The Director credited that reading last month, agreeing that “Patent Owner correctly identifies” the Office’s ten-percent expectation, and

denied a post-grant review whose petitioner had not named Venator, a 50.001 percent owner—drawing the ability to control from ownership and board membership, and declining to credit a chief financial officer’s declaration that no owner could “exert unilateral control”. *Viance*, PGR2026-00023, Paper 32, at 3.

In this case, a 45.27 percent holder who chairs the board and whom the group’s own listing document designates its “Controlling Shareholder,” Ex. 2012, at 3, 13, supplies the “actual measure of control or opportunity to control” that *Corning Optical*, IPR2014-00440, Paper 68, at 14–15, makes central—and Petitioner has offered nothing on the point, conclusory or otherwise. Nor does United States law reserve control to majority holders. In *United States v. Wolfson*, 405 F.2d 779 (2d Cir. 1968), a shareholder who, together with family members and one associate, held just over forty percent of a corporation’s stock—and who was neither an officer nor a director—was its controlling person, because “as the largest individual shareholder he was [the corporation’s] guiding spirit” and its officers “were subject to his direction and control.” *Id.* at 781; see *id.* at 783.

C. The Defect Cannot Be Cured in This Proceeding, Which Makes It Dispositive Rather Than Merely Correctable

Compliance is measured as of filing: real parties in interest “are evaluated as of the filing date of the petition.” *TikTok Inc. v. CellSpin Soft, Inc.*,

IPR2024-00757, Paper 42, at 4 n.4. And correction carries a price—“Adding an RPI requires according a new filing date to the Petition.” *Sun Pharm. Indus., Inc. v. Biofrontera, Inc.*, PGR2026-00021, Paper 12, at 3. The rule is *Corning Optical*’s own: “any Petition corrected to disclose additional RPIs must be given a new filing date.” *Corning Optical*, IPR2014-00440, Paper 68, at 23. The Board applied it in *Curium US LLC v. Universität Heidelberg*, IPR2025-01582, Paper 11, at 3 (Director Feb. 25, 2026) (informative), according the petition a new filing date once the petitioner added a real party in interest.

The ’567 patent issued October 7, 2025, so the nine months § 321(c) allows for a post-grant petition ran out on or about July 7, 2026; Petitioner filed on June 25, 2026, less than two weeks before that window shut. A petition accorded any later filing date is no longer a post-grant petition.

Nor may the Petition be converted rather than re-dated: there is “no statutory provision or rule for converting a PGR into an IPR.” *Sun Pharm. Indus., Inc. v. Biofrontera, Inc.*, PGR2026-00021, Paper 12, at 3–4 (denying the petition and leaving petitioner to file an IPR). When the patent owner in *Viance* pressed this same no-cure argument—that adding a real party in interest “would require a new filing date that places the Petition outside the 9-month window for filing a PGR”—the Director’s answer was unqualified: “Patent

Owner is correct.” *Viance*, PGR2026-00023, Paper 32, at 4.

An inter partes refiling would also not carry every ground. Ground 9 challenges claim 6 as indefinite under 35 U.S.C. § 112. Pet. 115. Section 311(b) confines inter partes review to §§ 102 and 103 grounds on patents and printed publications, so indefiniteness has no home there. The consequence of Petitioner’s disclosure failure is therefore not a corrected filing date but the end of this challenge—and of Ground 9 altogether.

**V. THE PETITION NEVER ADDRESSES THE RULE 132
OBJECTIVE-INDICIA RECORD AND CANNOT MEET
THE “MORE LIKELY THAN NOT” STANDARD**

Institution of post-grant review requires a determination that it is more likely than not that at least one challenged claim is unpatentable. 35 U.S.C. § 324(a). The strength of the challenge is also an enumerated consideration bearing on the Director’s discretion. (*See* USPTO, *Interim Director Discretionary Process* § I.B item 3 (last updated Oct. 7, 2025); Stewart Memorandum, USPTO, *Interim Processes for PTAB Workload Management* ¶ 3 (Mar. 26, 2025). A strong merits showing is not dispositive of the discretionary question. Boalick Memorandum, USPTO, *Guidance on USPTO’s Rescission of Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation* ¶ 5 (Mar. 24, 2025).) Eight of the Petitioner’s nine grounds are obviousness grounds. Not one addresses the objective

evidence of nonobviousness the applicant placed before the Examiner, under oath, three weeks before allowance, in the form of a Rule 132 declaration by inventor Alan Turksu.

In 18,686 words, the Petition never uses the phrase “secondary considerations,” “objective indicia,” “commercial success,” “praise,” “award,” or “skepticism.” It never names the declarant, Alan Turksu, or mentions his declaration; neither does the 160-page, 329-paragraph Pokharna declaration.

What Petitioner passed over is evidence with clear nexus to the claimed “cutaway” feature of the ’567 patent’s claims. Ex. 1001 at 6:12–19. Six contemporaneous publications—PetaPixel, Tom’s Guide, Engadget, MacRumors, Mashable, and XDA—praised the claimed cutaway by name, not the product at large. MacRumors: “Notably, the hub has a cutout in the back-left corner that makes it easy to press the computer’s raised power button.” Ex. 2011 ¶ 14.d; *see id.* ¶ 14. The declaration ties that praise to the limitation on which these claims were allowed—a cutaway “in the top and side portions of the back corner” that “does not extend through a bottom side.” *Id.* ¶ 16.

Petitioner’s own declarant acknowledges the need to consider objective indicia, but then entirely fails to do so. Dr. Pokharna states that “an obviousness inquiry requires consideration of the following factors: . . . (4) any objective indicia of non-obviousness cited by the patent owner, such as

commercial success, long-felt but unresolved need, failure of others, industry recognition, copying, and unexpected results,” and identifies these as “the ‘Graham factors.’” Ex. 1003 ¶ 21; *see Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). That is the only place in either the Petition or the Pokharna declaration where the fourth factor appears.

In *Coalition for Affordable Drugs V LLC v. Hoffman-LaRoche Inc.*, the panel found that “Petitioner also does not address adequately the objective indicia of nonobviousness presented to the Office during the prosecution of the ’522 patent,” and that the petition “should have addressed the evidence of unexpected results as part of Petitioner’s showing of a reasonable likelihood of success on the merits.” IPR2015-01792, Paper 14, at 17, 18 (P.T.A.B. Mar. 11, 2016). That petitioner had at least argued the evidence was not commensurate in scope with the claims. *Id.* at 17. The Director has denied institution on a thinner defect still, where the petitioner addressed that evidence but “merely disagrees with the Examiner’s treatment of the evidence without showing material error.” *Fujirebio Diagnostics, Inc. v. Quanterix Corp.*, IPR2025-01060, Paper 13, at 3 (Deputy Director Oct. 17, 2025). A petition that says nothing cannot stand better than one that says too little.

Nor is this a defect an opposition can repair. Section 324(a) measures the

showing by the information presented in the petition; the petition must identify with particularity the evidence supporting each ground, 35 U.S.C. § 322(a)(3); 37 C.F.R. § 42.204(b)(4)–(5), and may not incorporate argument by reference, 37 C.F.R. § 42.6(a)(3). The Director applied § 324(a) in a post-grant review last month, holding that the printed-publication guidance of *Hulu, LLC v. Sound View Innovations, LLC*, IPR2018-01039, Paper 29 (P.T.A.B. Dec. 20, 2019) (precedential), governs post-grant review, and that “there is no presumption in favor of institution.” *Par Health, Inc. v. InfoRLife, S.A.*, PGR2026-00036, Paper 7, at 3 (Director Aug. 20, 2026) (quoting *Hulu*, Paper 29, at 16). Whether this Petition’s silence is weighed as a discretionary consideration or reached as a merits failure under § 324(a)—the two paths the Director’s institution notices describe, *see Par Health*, PGR2026-00036, Paper 6, at 1–2—it arrives at the same place.

That failure leaves the obviousness inquiry incomplete on its face and weighs strongly in favor of discretionary denial.

VI. OTHER CIRCUMSTANCES AND THE BALANCE OF EVIDENCE FAVOR DENIAL

Underlying every discretionary consideration is whether review of this patent is an appropriate use of the Office’s resources. The Director denied institution in *Analog Devices, Inc. v. Number 14 B.V.* in part because the petitioner there “does not provide any persuasive reasoning why an *inter partes*

review is an appropriate use of Board resources.” IPR2025-00550, Paper 10, at 2 (Deputy Director July 16, 2025). No such reasoning is available here, for a reason both parties have certified.

“Petitioner is not aware of any other proceedings related to the ’567 Patent.” Pet. 1. Neither is Patent Owner. Paper 5, at 1. Sariana has never asserted the ’567 patent, and no court or agency is examining its validity. Institution would streamline no litigation, spare no tribunal duplicative effort, and prevent no inconsistent judgment. What it would do is give a competitor whose mandatory notices place its named real party in interest in Shenzhen an administrative path to unwind a eleven-month-old patent held by a domestic small business that has acquired and is fitting out a heavy-power industrial building. Pet. 1; *see* Part III.

The Petition’s scale sharpens the mismatch: it presses nine grounds against a patent no one is enforcing, supported by a 160-page expert declaration, and consumes 18,686 of the 18,700 words the rules permit. Ex. 1003; Pet. 121.

VII. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Director exercise discretion under 35 U.S.C. § 324(a) and deny institution of the Petition.

Case No. PGR2026-00062
U.S. Patent No. 12,436,567

Dated: September 8, 2026

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CERTIFICATE OF SERVICE

I hereby certify that “Patent Owner’s Request for Discretionary Denial of Institution” and Exhibits 2001–2013 were served on September 8, 2026 by email sent to:

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