

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

America Ugreen Limited

Petitioner

v.

SARIANA LLC

Patent Owner

Case PGR: PGR2026-00062

U.S. Patent No. 12,436,567

**PETITIONER'S OPPOSITION TO PATENT OWNER'S
REQUEST FOR DISCRETIONARY DENIAL OF INSTITUTION**

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1003	Declaration of Dr. Himanshu Pokharna
1004	CN 216561630 U by Ye (“Ye”)
1005	Certified translation of CN 216561630 U by Ye (“Ye”)
1006	“Apple’s all-new Mac mini is more mighty, more mini, and built for Apple Intelligence” by Apple (“Apple”)
1007	US 9698613 B2 by Koshiishi (“Koshiishi”)
1008	Wayback Machine Capture on March 13, 2020 of ASIN B07YSWZNNW by Satechi (“Satechi”)
1009	WO 2020/113541 A1 by Liao (“Liao”)
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1011	“Mac mini M4 (2024): docks, stands and other Accessories”
1012	US 2022/0366400 by Shen (“Shen”)
1013	Wayback Machine Capture on October 29, 2024 of Apple

1014	“M4 Mac Mini’s Power Button Has New Bottom Location” by Juli Clover
1015	“For everyone asking, the power button on the new M4 Mac mini is on the bottom” by chancehmiller, Thread
1016	“Apple Moves the M4 Mac Mini’s Power Button To the Bottom” by msmash
1017	“Yes, the M4 Mac mini’s power button is on the bottom” by Patrick O’Rourke
1018	“M4 mini,” busybee/fluffy rambles
1019	“Apple’s New Mac mini Sports up to an M4 Pro with 14-core CPU and 20-core GPU” by GGforever
1020	Affidavit of Internet Archive Records Processor Authenticating Wayback Machine Captures for Ex. 1008 and Ex. 1013
1021	Declaration of Mr. Leiming Ma
1022	Amazon Patent Complaint and Listing Removal Notice
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1024	Internal Payment Approval (Nonresponsive Confidential Information Redacted)
1025	Articles of Association of Ugreen Group Limited

1026	Rules of Procedure for the Board of Directors of Ugreen Group Limited
1027	CES Picks Awards 2025
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I. INTRODUCTION

America Ugreen Limited (“Petitioner” or “America Ugreen”) opposes Sariana LLC’s (“Patent Owner” or “PO”) Request for Discretionary Denial of Institution. After PO used the recently issued U.S. Patent No. 12,436,567 (the “’567 Patent”) to obtain removal of two of Petitioner’s Amazon listings, Petitioner sought PGR within the statutory nine-month window. The patent’s recent issuance, PO’s enforcement through Amazon, the absence of parallel litigation, and the totality of the relevant evidence and arguments all favor review on the merits.

First, PO admits that its patented products are made in China. Neither its asserted facility and investment considerations concerning future, not current, U.S. production, nor its asserted small-business status, warrant discretionary denial.

Second, Petition properly identified Petitioner and its direct parent, Shenzhen Ugreen Technology Co., Ltd., as real parties in interest (“RPI”). Ownership and corporate titles alone do not establish the RPI status of the alleged additional parties.

Finally, the prosecution record does not indicate that the Examiner relied on the Rule 132 declaration in allowing the claims, and PO has not established a nexus between asserted commercial success or praise and the claimed cutaway. The absence of parallel litigation eliminates any concern of duplicate adjudication and confirms that this PGR serves as a true “alternative” to district court litigation.

Petitioner respectfully requests that Director deny PO’s request.

II. BACKGROUND

On October 29, 2024, Apple unveiled Mac mini M4 with its power button on the bottom near a rear corner. Ex. 1006, 1-2; Paper 1, 12-17. Public discussions immediately observed that a dock could obstruct the button, and an October 30 discussion suggested that “it would be *trivial* to put *a recess in that corner to accommodate a finger*.” Ex. 1011, 2, 7; Exs. 1014-1019; Paper 1, 36-37.

PO filed the application for the ’567 Patent on February 3, 2025. Claim 1 recites a cutaway in the top and side portions of a back corner that does not extend through the bottom side, which is exactly *a recess adapted to expose the power button at the corresponding back bottom portion* of the M4 Mac mini. Ex. 1001, Claim 1. Thus, the ’567 Patent provides nothing more than a trivial, obvious, and predictable variation to the conventional Mac mini stands, driven by market needs.

Two months after the ’567 Patent issued, PO reported two America Ugreen listings to Amazon, resulting in their removal. Ex. 1021, ¶¶19-20; Ex. 1022. Petitioner diligently filed the Petition six months after receiving Amazon’s notice and within the patent’s first year. This prompt challenge following PO’s assertion weighs against settled expectations. *Shenzhen Tuozhu v. Stratasys*, IPR2025-00611, Paper 10, 2 (July 17, 2025); 35 U.S.C. § 326(b).

III. PO ASSERTED THE PATENT THROUGH AMAZON

PO states that it “has never asserted” the ’567 Patent. Paper 6, 20. This is not true. Identifying itself as SATECHI, PO reported to Amazon that two of Petitioner’s listings infringed the ’567 Patent, after which Amazon removed the listings. Ex. 1021, ¶¶19-20; Ex. 1022. This is not a “judicial or administrative matter” that would affect, or be affected by, the PGR, and Rule 42.8(b)(2) does not require its disclosure as a related proceeding. 37 C.F.R. § 42.8(b)(2); Patent Trial Practice Guide, 14. But it is an assertion of the patent nevertheless.

In any case, a mere absence of parallel litigation does not warrant discretionary denial. Section 321 permits any person other than the patent owner to seek PGR during the statutory nine-month period and imposes no litigation prerequisite. 35 U.S.C. § 321(a), (c). Institution therefore creates no duplicative adjudication or risk of inconsistent patentability decisions. This PGR also includes a §112 indefiniteness challenge unavailable under IPR. 35 U.S.C. §§ 311(b), 321(b). After PO asserted the ’567 Patent through Amazon, resulting in removal of Petitioner’s listings, Petitioner timely sought PGR of the challenged claims.

IV. PO’S MANUFACTURING AND SMALL BUSINESS EVIDENCE DOES NOT WARRANT DENIAL

Director’s March 11, 2026 Memorandum, “Additional Discretionary Institution Considerations - U.S. Manufacturing and Small Business Use of AIA Proceedings” (“Memo”) separately considers: “(1) the extent to which any products accused of infringement in a parallel proceeding are manufactured in the United

States or are related to investments in American manufacturing operations; (2) the extent to which any products made, sold, or licensed by the patent owner that compete with the accused products are manufactured in the United States; and (3) whether the petitioner is a small business that has been sued for infringement of the patent at issue.” Memo, 2-3. The Memo makes PO’s actual U.S. manufacturing and petitioner’s small-business status relevant, but does not equate PO’s future, unimplemented plans with its existing product-specific U.S. manufacturing (if any). *Id.* In *Tesla v. Bulletproof*, the Director credited product-specific evidence that the accused products themselves were manufactured in the United States. IPR2026-00204, Paper 14, 5 (Director June 15, 2026) (informative). As to PO, the relevant product-specific question is whether any competing product it makes, sells, or licenses is manufactured in the United States. To that question, the answer is no.

A. PO Admits Its Products Are Manufactured in China

PO expressly admits: “To date, Patent Owner’s patented products have been manufactured in China.” Paper 6, 3. That admission is dispositive of the product-specific inquiry: PO identifies no competing product manufactured in the U.S., no component of any such product manufactured in the U.S., much less any U.S. production line currently producing any such product. Instead, its evidence concerns a facility and anticipated investments that may support manufacturing years from now. That does not trigger the Memo’s second consideration.

The property bought on Mar. 23, 2026 does not fill that evidentiary gap. It shows, at most, a site PO intends to convert for future expansion plans, not U.S. manufacturing of any identified competing product. PO's presentation blurs manufacturing capability associated with the former tenant with its own "plans" for future expansion. The former tenant occupied the property and operated a machine shop there until Mar. 31, 2026. Paper 6, 8. Its forty-six CNC machines left with it, and the building's zoning and electrical service only speak to the premises' capacity, not to PO's production of any competing products. *Id.*, 4, 8.

Indeed, PO's own evidence confirms that substantial steps remain before production can begin. PO admitted that electrical reconfiguration is necessary before manufacturing equipment can be installed, while its asserted CNC machining "plans" consist only of a supplier's inventory list and requests for quotations, not manufacturing equipment installed and operating at the site for any identified competing product. Paper 6, 8-9. PO further represents that U.S. manufacturing will not begin until at least the end of 2028. *Id.*, 9. Thus, the record contains no evidence of installed equipment, production output, or identification of any competing product presently manufactured domestically. It concerns preparations for possible future production, not existing product-specific U.S. manufacturing.

Likewise, the California tax-credit agreement provides no product-specific evidence. It commits PO to employment and investment milestones, subject to

reporting, examination, and recapture. Paper 6, 7. The commitments do not establish that any investment has occurred, that any manufacturing equipment has been installed, that any production has commenced, or—most importantly—that any identified competing product is being manufactured in the United States.

B. The Small Business Factor Does Not Support Discretionary Denial

The Memo’s small-business factor asks “whether the **petitioner** is a small business that has been sued for infringement of the patent at issue.” Memo, 2. *Magnolia Medical v. Kurin* explains that the Memo “encourages petitioners that have been sued for infringement to identify themselves as small business to assist the Office in understanding how frequently such businesses use AIA reviews defensively and to weigh such information as part of the Office’s discretionary considerations.” IPR2026-00097, Paper 17, 7-8 (Director May 14, 2026) (precedential). PO is not in the position addressed by that policy. Even assuming PO qualifies as a small business, that status does not require denial. In fact, treating PO’s alleged size as a reason to deny would invert the Memo’s design by turning a factor intended to illuminate access to AIA review for small business defendants into a categorical shield for patent owners.

Thus, PO’s alleged small-business status, even if accepted, does not fall within that specified consideration or create an entitlement to denial.

V. PETITION IDENTIFIED ALL RPIS

PO's RPI theory relies on three ownership percentages and two corporate titles. Paper 6, 11-16. Contemporaneous records and Mr. Ma's declaration establish that it was America Ugreen and its disclosed direct parent that initiated, authorized, funded, and directed this PGR through established legal and finance procedures. None of the three shareholders requested or approved the PGR, selected or instructed counsel, reviewed Petition, funded the proceeding, or exercised control over it, or had proceeding-specific authority or opportunity through which they could have controlled it. Ex. 1021, ¶¶19-42.

A. Indirect Ownership Above Ten Percent Does Not Establish RPI Status and Failure to Disclose Does Not Mandate Denial

35 U.S.C. § 322(a)(2) requires a PGR petition to identify all RPIs. Petitioner bears the ultimate burden, while PO must first produce evidence tending to show that "a particular third party should be named a real party in interest." *Worlds v. Bungie*, 903 F.3d 1237, 1242, 1244 (Fed. Cir. 2018). The inquiry "demands a flexible approach that takes into account both equitable and practical considerations." *Applications in Internet Time v. RPX*, 897 F.3d 1336, 1351 (Fed. Cir. 2018). This fact-dependent inquiry asks whether a nonparty "desires review of the patent" and whether a petition was filed at its "behest." *Id.* A party that "funds and directs and controls" a proceeding is an RPI, otherwise, the pertinent facts govern. Patent Trial Practice Guide, 12-14. No single fact controls and there is no "bright line test." *RPX*, 897 F.3d at 1342.

PO misreads *Tianma v. LG Display* as establishing that any person or entity owning (including indirectly) at least ten percent of a party is automatically an RPI and that non-disclosure alone warrants denial. IPR2025-01579, Paper 12 (Director Mar. 18, 2026) (precedential), Paper 6, 13-14. *Tianma* established no such rule.

First, *Tianma* did *not* address the question of indirect ownership. *Tianma*, Paper 12, 8 n.6 (referring to “parent corporation, entity, or person that owns 10% or more of that petitioner’s or patent owner’s stock, shares, or membership interests” without discussing indirect ownership). The cited Fed. R. Civ. P. 7.1 and Fed. R. App. P. 26.1 likewise do not address indirect owners. *See McAllister v. Adecco Grp. N.A.*, 2017 U.S. Dist. LEXIS 231756, at *3 (D. Haw. May 18, 2017) (Rule 7.1 did not require disclosure of grandparent and great-grandparent corporations).

Second, *Tianma* states that the Office expects mandatory notices to identify such owners, but expressly cautions that “percentage ownership (whether greater or lesser than 10%) is not necessarily dispositive of the RPI inquiry.” IPR2025-01579, Paper 12, 8 n.6. Ownership may warrant inquiry, but RPI status requires the proceeding-specific analysis prescribed by *Worlds* and *RPX*.

Board decisions reject RPI allegations based only on corporate relationships. In *Compass Bank v. Intellectual Ventures II*, a parent-subsidary relationship and capital contribution did not establish that the parent exercised or could exercise control over the petition. IPR2014-00724, Paper 12, 10-11 (Nov. 6, 2014). In

Intimidator v. Bad Boy, a shareholder’s relationship to the petitioner was insufficient without evidence connecting that person to the proceeding; testimony identifying actual decision makers, counsel contacts, and source of payment rebutted the allegation. IPR2018-01632, Paper 21, 11-13 (Mar. 13, 2019). These decisions focus inquiry on nonparty’s relationship to the proceeding, not ownership alone.

Third, *Tianma* specifically prescribes that when a party does not disclose a ten-percent owner, “Board panels are authorized to request it as part of an RPI analysis.” *Tianma*, Paper 12, 8 n.6. This guidance does not make nondisclosure of a ten-percent owner, standing alone, dispositive. *Tianma* denied institution because PO put a foreign sovereign’s RPI status in dispute and the petitioner failed to rebut that showing with documentary evidence. *Id.* at 8-10. This is not a concern here.

B. Petition Named All Entities That Authorized and Directed This PGR

Petition identifies America Ugreen and its direct parent, Shenzhen Ugreen Technology Co., Ltd. as RPIs. Paper 1. Shenzhen Ugreen Technology Co., Ltd. is the same entity whose Articles identify its English name as Ugreen Group Limited (“Ugreen Group”), and it owns 100% of America Ugreen. Ex. 1021, ¶¶4-6.

After PO’s Amazon complaint caused removal of America Ugreen’s product listings, America Ugreen and Ugreen Group personnel evaluated the matter through their established legal process. *Id.* ¶¶19-20. A January 23, 2026 record documents internal approval to retain U.S. counsel and identifies the personnel involved in that

decision. Zhang Qingsen (“Qingsen”), Chen Junling (“Junling”), and Ugreen Consulting do not appear in that approval chain because their approval was neither required nor requested. *Id.* ¶¶21-24; Ex. 1029.

On June 25, 2026, Mr. Leiming Ma of the legal department communicated America Ugreen’s instruction to U.S. counsel to file Petition. Ex. 1021, ¶27. The responsible legal personnel instructed counsel, coordinated the expert work, reviewed Petition, and directed the proceeding. *Id.* ¶¶27-30. None of the alleged RPIs participated in those actions. *Id.* ¶¶34-37.

Counsel billed America Ugreen, and payment of the PGR-related fees was processed through Ugreen Group’s Finance Department under the companies’ ordinary payment procedures. *Id.* ¶¶31-33; Ex. 1030. The records identify the responsible legal and finance personnel, not Qingsen, Junling, or Ugreen Consulting. None of the alleged RPIs paid or reimbursed any PGR expense. *Id.* ¶¶31-36. The existence of contemporaneous records differentiates the current case from *Tianma*, where the Director specifically cited the lack of documentary support as underlying the insufficiency of the petitioner’s RPI argument. *Tianma*, Paper 12, 10.

C. Governance Documents Show No Proceeding-Specific Authority

As of filing date of this PGR, Qingsen held approximately 45.27%, Junling held approximately 17.36%, and Ugreen Consulting held approximately 11.67% of Ugreen Group’s shares. Ex. 1021, ¶7. None directly owned America Ugreen. *Id.* ¶8.

Although their holdings would exceed a majority if combined, PO identifies no evidence that they acted together concerning this PGR. The declaration confirms that none participated in, directed, or controlled the proceeding. *Id.* ¶¶34–38.

Governance documents confirm no unilateral corporate authority based on those interests or corporate titles. Ugreen Group has a nine-member Board, including three independent directors and one employee director. Ex. 1021, ¶11; Ex. 1031, Art. 110. Each director has one vote, and Board resolutions generally require approval by more than half of all directors. Ex. 1021, ¶¶11-15; Ex. 1031, Art. 110; Ex. 1032, Arts. 22-23. Although shareholders may vote on the election or removal of directors, none of the three alleged RPIs are granted a unilateral or special right to appoint or remove a director, designate a Board seat, or veto Board action. Ex. 1031; Ex. 1032. No director may act individually for the company or Board without authority under the Articles or lawful Board authorization. Ex. 1021, ¶13; Ex. 1031, Art. 108.

Qingsen's authority as chair is limited to presiding over shareholder and Board meetings, convening Board meetings, supervising implementation of Board resolutions, and exercising Board-delegated powers. Ex. 1021, ¶14; Ex. 1031, Art. 115. As vice chair, Junling assists the chair and acts when the chair cannot or does not perform his duties. Ex. 1031, Art. 116. Although a ten-percent shareholder may propose a special Board meeting, that right neither decides the proposal nor authorizes the shareholder to act for the company. *Id.* Art. 118.

The shareholders of Ugreen Group could exercise voting rights only through corporate procedures. Decisions to retain U.S. counsel and pursue this PGR were not submitted to Ugreen Group's shareholders or Board for approval. Responsible legal and finance personnel handled those matters. Ex. 1021, ¶¶17-30. Ordinary shareholder voting rights in Ugreen Group therefore provide no practical opportunity to control Petitioner's participation in this proceeding. *Id.* ¶¶16-18, 24, 34-38; Ex. 1031, Art. 108, 118.

Ugreen Consulting's ownership interest establishes no proceeding-specific role. It is an employee equity-incentive partnership whose general and executive partner was Chen Yan. Ex. 1021, ¶39. PO identifies no proxy, voting agreement, or other evidence that Qingsen or Junling directed Ugreen Consulting's vote concerning this PGR. No shareholder vote occurred, and Ugreen Consulting did not request, authorize, fund, review, or direct this PGR. *Id.* ¶¶17, 36.

D. PO's Authorities Address Materially Different Facts

PO's reliance on cases that resulted in denial is misplaced because the denials there stem from materially different facts and considerations. *Tianma* involved a foreign-government ownership chain, a government defense entity, an Entity List designation, and uncertainty whether an ineligible sovereign stood behind the petition. IPR2025-01579, Paper 12 at 2-9. Its petitioner offered only a conclusory declaration and no documents explaining the rights associated with the disputed

shares. *Id.* 9-10. Here, no sovereign-eligibility issue or opaque ownership chain exists. Petitioner provides the governance, approval, payment, and other corporate records, and the fact-specific testimony, that *Tianma* lacked.

Viance v. Koppers, likewise, does not hold that indirect ownership exceeding 10% alone establishes RPI status, or that failure to disclose such indirect ownership mandates denial. There, Venator *directly* owned a majority (50.001%) of the petitioner, whose two owners constituted its entire board. PGR2026-00023, Paper 32 at 3 (Director Aug. 19, 2026). Here, none of the alleged RPIs directly owns America Ugreen, none of them owns (even indirectly) a majority, the direct parent was disclosed, and Ugreen Group's Board has nine members rather than only the alleged shareholders. Ex. 1021, ¶¶ 5, 8, 11-16. The alleged RPIs here also lacked any proceeding-specific authority or role, individually or collectively.

Sun Pharm. v. Biofrontera involved an omitted 100% parent and evidence addressing actual funding and control without adequately addressing the parent's ability to control. PGR2026-00021, Paper 12 at 2-3 (Director May 26, 2026). Here, America Ugreen identified its 100% parent, and the record adequately illustrates the lack of control by the alleged RPIs. Ex. 1021, ¶¶ 4-42. *Yangtze v. Micron* concerns uncertainty about the petitioner's identity. IPR2025-00098, Paper 38 at 6-7 (Director Jan. 15, 2026) (informative). Here, the evidence confirms that Shenzhen Ugreen Technology Co., Ltd. and Ugreen Group are the same disclosed parent.

PO's reliance on *Wolfson* is also misplaced. It was a criminal securities case in which a shareholder and aligned persons *directly* held more than forty percent, he acted as the corporation's "guiding spirit," and officers were subject to his direction and control. *United States v. Wolfson*, 405 F.2d 779, 781, 783 (2d Cir. 1968). PO provides no comparable evidence that Qingsen directed Ugreen personnel concerning this PGR. Ugreen's approval and payment records show that the responsible legal and finance personnel handled the proceeding. Ex. 1021, ¶¶19-42.

E. No RPI Was Omitted, and There Is No Basis to Change Filing Date

PO's filing-date argument assumes that at least one of the three shareholders is an omitted RPI. Paper 6, 14-16. *Curium v. Universität Heidelberg* and *Corning v. PPC* address the consequence of adding an actual RPI; not whether ownership alone establishes RPI status. IPR2025-01582, Paper 11 at 2-3 (Director Feb. 25, 2026) (informative); IPR2014-00440, Paper 68 at 16-23 (PTAB Aug. 18, 2015) (precedential except § II.E.1). *Corning* based control findings on proceeding-specific facts: blurred corporate boundaries allowed an affiliate to control the IPR, while the ultimate parent had an "opportunity to control" and exercised control by hiring, paying, and directing counsel. *Corning*, Paper 68, 15-22. Those facts are absent here: the disclosed RPIs authorized, funded, and directed this PGR, while none of the alleged omitted RPIs participated in, exercised control over, or had a proceeding-specific opportunity through which they could have controlled it.

VI. RULE 132 DECLARATION DOES NOT WARRANT DENIAL

A. Prosecution Record Does Not Show Reliance on Rule 132 Declaration

Petition's omission of Alan Turksu's Rule 132 declaration does not establish that discretionary denial is warranted. In *Laboratory Corp. v. Ravgen*, the Board rejected the same categorical theory where the record did not show that the objective-indicia evidence was decisive during prosecution and the patent owner had not established nexus, explaining that denial based on an omission is generally reserved for evidence that was "clearly relied upon and decisive" in an earlier proceeding. IPR2021-01026, Paper 11 at 41-43 (PTAB Dec. 14, 2021).

No such evidence is present here. PO itself identifies the stated reason for allowance: "the best prior art of record failed to teach that cutaway geometry." Paper 6, 3; Ex. 1002, 32. PO identifies no express finding that anything in its Rule 132 declaration, submitted shortly before allowance, was decisive for that allowance.

That distinction separates *Fujirebio*, where the examiner carefully considered and expressly relied on the objective indicia of non-obviousness evidence in the notice of allowance. *Fujirebio v. Quanterix*, IPR2025-01060, Paper 13, at 2-3 (Deputy Director Oct. 17, 2025). Here, PO identifies no comparable finding. *Coalition for Affordable Drugs V. Hoffman-LaRoche* likewise found that the examiner apparently relied upon the un rebutted objective indicia of non-obviousness presented in the prosecution history in allowing the claims. IPR2015-01792, Paper

14, at 18 (PTAB Mar. 11, 2016). Here, the Examiner's stated basis for allowance was that the closest prior art did not teach the recited cutaway features; Reasons for Allowance did not identify commercial success, praise, or other objective indicia as a basis for allowance. Ex. 1002, 32. Thus, neither decision supports discretionary denial based on Petition's omission of the declaration.

B. Awards and Reviews Do Not Link Recognition to Claimed Cutaway

"For objective evidence of secondary considerations to be accorded substantial weight, its proponent must establish a nexus between the evidence and the merits of the claimed invention." *In re Huai-Hung Kao*, 639 F.3d 1057, 1068 (Fed. Cir. 2011).

The Rule 132 declaration identifies several CES-era recognitions, but no selection criteria. Ex. 2011, ¶13. In *Chums v. Cablz*, the Board gave limited weight to an award because the cited criteria did not show that voters considered the claimed invention's merits. IPR2014-01240, Paper 43, at 32 (PTAB Feb. 8, 2016). PO likewise does not show that the selectors evaluated the claimed back-corner cutaway or selected the product because of that feature. The 2025 CES Picks terms set an entry fee and say nominations are reviewed based on submitted information, while the voting criteria remain unclear. Ex. 1027, CES Picks Awards 2025, 5-6.

In addition, coverage mentioning power-button access also highlights other product benefits. Pocket-lint and Tom's Guide's discussions emphasize the front-

facing ports, SD-card access, storage expansion, and visual compatibility with the Mac mini; Macworld and MakeUseOf discuss connectivity, cooling, and SSD expansion; and XDA calls the SSD slot “the best part about the whole thing.” Ex. 2011, 12, 15-18, 25-30, 47-48. These are substantial features of the marketed stand product that the claims *do not* require. PO has not shown that these unclaimed features are insignificant to the product’s appeal. It therefore has not established entitlement to a presumption of nexus. *Fox Factory, Inc. v. SRAM, LLC*, 944 F.3d 1366, 1374 (Fed. Cir. 2019); *Manufacturing Resources International, Inc. v. Squires*, Nos. 2024-2228, 2024-2229, slip op. at 13 (Fed. Cir. Mar. 31, 2026) (nonprecedential) (no presumption of nexus when the patent owner made no showing that the unclaimed features were insignificant to the commercial success).

Further, “a nexus may not exist where, for example, the merits of the claimed invention were ‘readily available in the prior art.’” *ClassCo, Inc. v. Apple, Inc.*, 838 F.3d 1214, 1220 (Fed. Cir. 2016) (quoting *Richdel, Inc. v. Sunspool Corp.*, 714 F.2d 1573, 1580 (Fed. Cir. 1983)). PO’s evidence of praise concerns claimed cutaway’s function of exposing an obstructed power button to preserve access. Petition identifies that same cutaway technique in the prior art: Koshiishi teaches a peripheral notch in a stand to expose an underlying device feature, and Shen discloses cutouts spanning an accessory bay’s top and side without extending through its bottom. Paper 1, 37-38, 92-94. Petition also cites the MacRumors discussion predating the

claimed invention, which recognized the access problem and suggested a corner recess. *Id.* 36-37. The praise therefore does not show that customers valued the claimed specific cutaway geometry rather than the known access function. Thus, PO fails to establish a nexus between the evidence and the claimed invention’s merits.

C. Undifferentiated Sales Number Does Not Establish Commercial Success Attributable to Claimed Cutaway

PO alleges that “[t]housands of units were sold in its first month of launch.” Ex. 2011, ¶12. But it provides no defined launch period, geographic breakdown, market share, or comparison with other Mac mini M4 stands and hubs. Without that information, Director cannot assess whether PO’s unqualified sales were significant or unusually strong in the relevant market, especially when, in the broad market, *both laptops and desktops* drove Apple’s fiscal second-quarter 2025 Mac revenue up to \$7.949 billion, compared with \$7.451 billion a year earlier. *See* Ex. 1028, 6, 14. Thus, the sales number does not establish commercial success. *See Cable Elec. Prods., Inc. v. Genmark, Inc.*, 770 F.2d 1015, 1026-27 (Fed. Cir. 1985) (finding that sales of 5 million units represent only a “minimal” showing of commercial success, absent further evidence to support an inference of substantial market share); *In re Baxter Travenol Labs.*, 952 F.2d 388, 392 (Fed. Cir. 1991) (“[I]nformation solely on numbers of units sold is insufficient to establish commercial success.”).

Further, there are other reasons for demand, including connectivity, cooling, and storage expansion for Apple’s redesigned Mac mini. *See* Ex. 2011, 12, 15-18,

25-30, 47-48. No comparative sales data isolates demand for claimed cutaway from demand for Mac mini accessories or other product features. *In re DBC*, 545 F.3d 1373, 1384 (Fed. Cir. 2008) (evidence of commercial success without proof that sales are the direct result of the unique characteristics of the invention does not demonstrate non-obviousness). PO thus has not made a showing of nexus between the alleged commercial success, if any, and the claimed invention.

D. Alleged Omission of Secondary Considerations Evidence Does Not Automatically Bar Institution

PO claims that Petitioner cannot “repair” this “defect.” Paper 6, 18. PO’s argument mistakenly assumes that the alleged omission necessarily defeats Petition. Section 324(a), however, requires a sufficient showing as to only one challenged claim, and PO’s objective-indicia evidence, even if considered without reference to the nexus question, does not answer Ground 9’s indefiniteness challenge to claim 6. Paper 1, 115; 35 U.S.C. § 324(a). For this reason alone, such argument fails.

Moreover, Petitioner seeks no presumption in favor of finding that a reference is a “printed publication,” nor a presumption in favor of institution generally. PO’s reliance on *Par Health* and *Hulu* is misplaced and does not establish an automatic omission rule. Paper 6, 19; *Par Health v. InfoRLife*, PGR2026-00036, Paper 7, at 3 (Director Aug. 20, 2026) (addressing prior-art qualification necessary to the asserted grounds of unpatentability); *Hulu v. Sound View*, IPR2018-01039, Paper 29, 16 (PTAB Dec. 20, 2019) (precedential) (similar holding). To the contrary, the Board

has expressly declined to adopt “a per se rule that a Petitioner’s failure to address known secondary considerations in a petition is unconditionally fatal to the petition.” *Halliburton v. U.S. Well Servs.*, IPR2021-01316, Paper 44, at 40 (PTAB Feb. 17, 2023). Current USPTO guidance states only that a petitioner aware of objective-indicia evidence “should consider preemptively addressing” that evidence in the petition, but “it is not necessarily true that a petition is defective for not preempting argument on matters not yet made of record in the proceeding by Patent Owner.” AIA Trial Petition Template Guidance, 14; *Halliburton*, Paper 44, 41. The Director’s procedures also permit this opposition to respond to PO’s discretionary arguments and direct attention to Petition and record evidence. Interim Director Discretionary Process §§ III.C.i–ii. The alleged omission thus does not warrant denial.

VII. CONCLUSION

For these reasons, Petitioner respectfully requests that the Director deny PO’s request and refer Petition to a PTAB panel to consider Petition on the merits.

Date: October 6, 2026

Respectfully submitted,
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that, on October 6, 2026, a true and correct copy of Petitioner's Opposition to Patent Owner's Request for Discretionary Denial and supporting materials was served by email on Patent Owner, SARIANA LLC, through its counsel of record listed below.

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