

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

SHENZHEN TUOZHU TECHNOLOGY CO., LTD,
Petitioner,

v.

STRATASYS, INC.,
Patent Owner.

IPR2025-00438 (Patent 10,569,466 B2)
IPR2025-00531 (Patent 9,168,698 B2)
IPR2025-00532 (Patent 10,556,381 B2)
IPR2025-00585 (Patent 11,167,464 B2)
IPR2025-00611 (Patent 11,886,774 B2)

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

DECISION
Referring the Petitions to the Board

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Stratasys, Inc. (“Patent Owner”) filed a request for discretionary denial (Paper 7, “DD Req.”) in the above-captioned cases, and Shenzhen TuoZhu Technology Co., Ltd. (“Petitioner”) filed an opposition (Paper 9, “DD Opp.”).¹

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is not appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.

Some factors weigh in favor of discretionary denial. For example, the projected final written decision due date in the Board proceeding is October 7, 2026. DD Req. 8. The district court’s scheduled trial date is June 1, 2026, and the time-to-trial statistics suggest that the latest trial would begin is in August 2026. *Id.* at 8–9. As such, it is unlikely that a final written decision in these proceedings will issue before the district court trial occurs. These facts generally favor discretionary denial.

Other considerations, however, counsel against discretionary denial. For example, most of the challenged patents have not been in force for a significant period of time (issued in 2020, 2020, 2021, and 2024). Accordingly, Patent Owner has not developed strong settled expectations that favor discretionary denial.

¹ Citations are to papers filed in IPR2025-00438. The parties filed similar papers in IPR2025-00531, IPR2025-00532, IPR2025-00585, and IPR2025-00611.

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IPR2025-00531, however, presents different circumstances. The patent challenged in that case has been in force for approximately 10 years, creating strong settled expectations for Patent Owner. Petitioner, however, presents evidence that the challenged patents have never been “commercialized, asserted, marked, licensed, or otherwise applied” in Petitioner’s “particular technology space.” DD Opp. 3–5 (quoting *Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12 at 2–3 (Director June 26, 2025)). This evidence weighs against Patent Owner’s claim of strong settled expectations. *Id.*

Furthermore, Petitioner explains that the parallel district court proceeding involves nine different patents spanning six families that involve a diverse range of subject matter. DD Opp. 7–10. The large number and vast scope of the patents asserted in the district court litigation (*id.*) weighs against discretionary denial, as the Board is better suited to review a large number of patents involving diverse subject matter. *See Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00217, Paper 9 at 2–3 (Director June 13, 2025). Petitioner has also filed a broad stipulation. DD Opp. 1. Petitioner’s arguments that these factors tip the balance against discretionary denial are persuasive.

Although certain arguments are highlighted above, the determination not to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petitions are referred to the Board to handle the cases in the normal course, including

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by issuing decisions on institution addressing the merits and other non-discretionary considerations, as appropriate.

In consideration of the foregoing, it is:

ORDERED that Patent Owner's request for discretionary denial is *denied*;

FURTHER ORDERED that the Petitions are referred to the Board;
and

FURTHER ORDERED that neither party shall file a request for rehearing or Director Review of this decision until the Board issues a decision on institution.

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