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571-272-7822

Paper 8
Date: August 14, 2025

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

REC SOLAR HOLDINGS AS,
Petitioner,

v.

MAXEON SOLAR PTE. LTD.,
Patent Owner.

IPR2025-00592 (Patent 8,222,516 B2)
IPR2025-00593 (Patent 8,878,053 B2)
IPR2025-00594 (Patent 11,251,315 B2)
IPR2025-00595 (Patent 11,251,315 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
Denying Institution of *Inter Partes* Review

Maxeon Solar Pte. Ltd. ("Patent Owner") filed a request for discretionary denial in the above-captioned cases. Paper 7 ("DD Req.").[1] REC Solar Holdings AS ("Petitioner") did not file an opposition to Patent Owner's request.

After considering Patent Owner's arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in these proceedings. This determination is based on the totality of the evidence and arguments presented.

Petitioner filed the Petition and an accompanying motion for joinder to IPR2024-01039, a proceeding that the Board instituted on January 14, 2025. *Canadian Solar Inc. v. Maxeon Solar Pte. Ltd.*, IPR2024-01039, Paper 13 (PTAB Jan. 14, 2025).[2] The Board first determines whether to institute a proceeding before considering a motion for joinder. 35 U.S.C. § 315(c). Accordingly, discretionary considerations are first reviewed for the Petition on its own, and then reviewed if joinder were to be granted.

First, the projected final written decision due date for each of these proceedings is October 17, 2026. DD Req. 6. The district court's scheduled trial date is June 1, 2026, and the time-to-trial statistics suggest trial will begin in June 2026. *Id.* at 6–7. As such, it is unlikely that a final written decision in these proceedings will issue before the district court trial occurs, resulting in significant duplication of effort, additional expense for the

[1] Citations are to papers in IPR2025-00592. Patent Owner filed similar papers in IPR2025-00593, IPR2025-00594, and IPR2025-00595.
[2] In IPR2025-00593, Petitioner filed a motion for joinder to IPR2024-01040. In IPR2025-00594, Petitioner filed a motion for joinder to IPR2024-01038. In IPR2025-00595, Petitioner filed a motion for joinder to IPR2024-01194.

parties, and a risk of inconsistent decisions. This weighs strongly in favor of discretionary denial.

Second, the projected final written decision due date for IPR2024-01039, the proceeding that Petitioner seeks to join, is January 14, 2026. As such, it is likely that a final written decision will issue before the district court trial occurs. This is true for all of the proceedings Petitioner seeks to join, and generally counsels against discretionary denial. However, given that the present proceedings would not be instituted in the absence of the proceedings Petitioner seeks to join, there are little to no efficiencies to be gained by joining Petitioner to the proceedings already in progress.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petitions are denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

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

FURTHER ORDERED that the Petitions are *denied*, and no trial is instituted.

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