

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

HS HYOSUNG ADVANCED MATERIALS CORP.,
Petitioner,

v.

KOLON INDUSTRIES, INC.,
Patent Owner.

IPR2025-00662 (Patent 9,789,731 B2)
IPR2025-00663 (Patent 10,196,765 B2)
IPR2025-00664 (Patent 9,617,663 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

IPR2025-00662 (Patent 9,789,731 B2)
IPR2025-00663 (Patent 10,196,765 B2)
IPR2025-00664 (Patent 9,617,663 B2)

Kolon Industries, Inc. (“Patent Owner”) filed a request for discretionary denial (Paper 7, “DD Req.”) in the above-captioned cases, and HS Hyosung Advanced Materials Corp. (“Petitioner”) filed an opposition (Paper 9, “DD Opp.”).¹ With authorization, Patent Owner filed a Reply (Paper 10), and Petitioner filed a Sur-reply (Paper 11).

After considering the parties’ 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 the parties have presented.

Some factors counsel against discretionary denial. For example, the district court litigation involving the parties has been stayed. DD Req. 24; DD Opp. 24. As a result, there is no immediate concern of inconsistent outcomes or significant duplication of efforts resulting from two proceedings operating in parallel.

Other factors, however, weigh in favor of discretionary denial. In particular, the challenged patents have been in force for more than seven, six, and nine years, respectively, creating strong settled expectations for Patent Owner, and Petitioner does not provide any persuasive reasoning why an *inter partes* review is an appropriate use of Board resources under these circumstances. *Dabico Airport Sols. Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21 at 2–3 (Director June 18, 2025). In the absence of any such information, the Office is disinclined to disturb the strong settled expectations of Patent Owner. Furthermore, Petitioner has not filed a

¹ Citations are to papers in IPR2025-00662. The parties filed similar papers in IPR2025-00663 and IPR2025-00664.

IPR2025-00662 (Patent 9,789,731 B2)
IPR2025-00663 (Patent 10,196,765 B2)
IPR2025-00664 (Patent 9,617,663 B2)

stipulation to address concerns of duplicative efforts and potentially conflicting decisions should the stay be lifted. DD Opp. 28 n.10. On balance, the circumstances in these proceedings favor discretionary denial.

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.

IPR2025-00662 (Patent 9,789,731 B2)
IPR2025-00663 (Patent 10,196,765 B2)
IPR2025-00664 (Patent 9,617,663 B2)

FOR PETITIONER:

James M. Glass
Quincy Lu
QUINN EMANUEL URQUHART & SULLIVAN, LLP
jimglass@quinnemanuel.com
quincylu@quinnemanuel.com
PTAB@quinnemanuel.com

FOR PATENT OWNER:

Charles H. Sanders
Raghav Bajaj
Joseph C. Akalski
LATHAM & WATKINS LLP
charles.sanders@lw.com
raghav.bajaj@lw.com
joe.akalski@lw.com