

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

UPI SEMICONDUCTOR CORPORATION,
Petitioner,

v.

FORCE MOS TECHNOLOGY CO. LTD.,
Patent Owner.

IPR2025-00920
Patent 7,812,409 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

Force MOS Technology Co. Ltd. (“Patent Owner”) filed a request for discretionary denial (Paper 9, “DD Req.”) in the above-captioned case, and uPI Semiconductor Corporation (“Petitioner”) filed an opposition (Paper 10, “DD Opp.”).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

Although the parties are not currently engaged in a parallel proceeding regarding the challenged patent, the challenged patent has been adjudicated in other proceedings between Patent Owner and third parties. In particular, the challenged patent was involved in a district court proceeding in which claim 1 of the patent was found not invalid. DD Req. 23. The challenged patent is also the subject of a pending *inter partes* review in which the Board issued a final written decision finding claims 1 and 3–5 unpatentable, and claims 2 and 6 not unpatentable. *Id.*; *Inergy Tech., Inc. v. Force MOS Tech. Co., Ltd.*, IPR2024-00094, Paper 37 (PTAB May 16, 2025).¹ Repeated challenges weigh against institution, and it would not be an efficient use of Office resources to further consider the Petition under these circumstances.

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 Petition is denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

¹ Patent Owner has filed a request for Director Review of the final written decision in IPR2024-00094, which is currently pending. IPR2024-00094, Paper 38.

IPR2025-00920
Patent 7,812,409 B2

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

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

IPR2025-00920
Patent 7,812,409 B2

FOR PETITIONER:

Edward Kwok
VLP LAW GROUP LLP
ekwok@vlplawgroup.com
ipr02985-004@vlplawgroup.com

Steven Chen
WOMBLE BOND DICKENSON
steven.chen@wbd-us.com

FOR PATENT OWNER:

Michael Saunders
Bryan Atkinson
PRINCE LOBEL TYE LLP
msaunders@princelobel.com
batkinson@princelobel.com