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Paper No. ____
Date: December 22, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLTAGE, LLC,
NINGBO VOLTAGE SMART PRODUCTION CO.,
Petitioners,

v.

SHOALS TECHNOLOGIES GROUP, LLC,
Patent Owner.

Case IPR2026-00068
Patent 12,015,376

PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

LIST OF PATENT OWNER'S EXHIBITS

PO Exhibit Number	Description
	Filed and Served on December 22, 2025 with Patent Owner's Request for Discretionary Denial
2001	Respondents' Statement of Uncontested Claim Elements with Respect to Infringement and Domestic Industry Technical Prong dated September 12, 2025 in <i>In the Matter of Certain Photovoltaic Connectors [sic] [Trunk Bus Cable Assemblies] and Components Thereof</i> , Case No. 337-TA-1438 (ITC) ("ITC Investigation") ("Voltage Statement of Uncontested Claim Elements")
2002	Order No. 6: Procedural Schedule dated March 13, 2025 in ITC Investigation ("ITC Procedural Schedule")
2003	Scheduling Order dated October 16, 2025 in <i>Shoals Technologies Group, LLC v. Voltage, LLC and Ningbo Voltage Smart Production Co.</i> , Case No. 1:25-cv-00026 (MDNC) ("MDNC Litigation") ("MDNC Scheduling Order")
2004	Excerpt of Open Sessions for Evidentiary Hearing transcript dated August 25, 2025 in ITC Investigation, cover, pages 1066-1068, 1105
2005	Excerpt of PUBLIC VERSION of Final Initial Determination on Violation of Section 337 dated August 30, 2024 in <i>In the Matter of Certain Photovoltaic Connectors and Components Thereof</i> , Case No. 337-TA-1365 (ITC) ("First ITC Investigation"), cover, pages 214-218 ("First ITC Final ID")
2006	Excerpt of Attachment B-34, Invalidity Claim Chart for U.S. Patent No. 12,015,376, Reference: Japanese Patent Application Publication JPH10135499A ("Machida") in ITC Investigation, pages B-34-1 and B-34-76 ("B-34 Machida Invalidity Claim Chart")

IPR2026-00068 (Patent 12,015,376)
 Patent Owner's Request for Discretionary Denial

PO Exhibit Number	Description
2007	Excerpt of Attachment B-35, Invalidity Claim Chart for U.S. Patent No. 12,015,376, Reference: U.S. Patent Application Publication No. 20110011642A1 (“Solon 642”) in ITC Investigation, pages B-35-1 and B-35-108 (“B-35 Solon Invalidity Claim Chart”)
2008	Excerpt of Attachment B-20, Invalidity Claim Chart for U.S. Patent No. 12,015,376, Reference: Korean Patent No. KR101428689B1 (“Kim”) in ITC Investigation, pages B-20-1 and B-20-32 (“B-20 Kim Invalidity Claim Chart”)
2009	Voltage’s Preliminary Invalidity Contentions dated July 21, 2025 in MDNC Litigation
2010	Excerpt of Attachment B-38, Invalidity Claim Chart for U.S. Patent No. 12,015,376, Reference: Japanese Patent Application Publication No. JPS52135081A (“Sakatani”) in ITC Investigation, pages B-38-1 and B-38-46 (“B-38 Sakatani Invalidity Claim Chart”)

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Stewart, Coke Morgan. <i>Interim Processes for PTAB Workload Management</i> , U.S. Patent and Trademark Office (Mar. 26, 2025), https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf	1, 6, 11, 14

I. INTRODUCTION

Pursuant to the Director's March 26, 2025 Memorandum regarding Interim Processes for PTAB Workload Management, (the "March 26 Memo") and consistent with the Open Letter dated October 17, 2025 from the Director, Patent Owner Shoals Technologies Group, LLC ("Shoals" or "Patent Owner") respectfully submits this Request for Discretionary Denial of Institution. The Director should deny institution.

Patent Owner Shoals is a public company that has been manufacturing its patented and award-winning Big Lead Assembly ("BLA") Products in Tennessee since at least 2017. This product, which is indisputably covered by U.S. Patent No. 12,015,376 ("the '376 Patent"), revolutionized the solar industry. *See* EX2001. Petitioners Voltage, LLC and Ningbo Voltage Smart Production Co. (collectively "Petitioner" or "Voltage") learned of the success of the Shoals BLA and began importing from China a knockoff copy of the BLA, named the "Lynx," that infringes the '376 Patent.

Shoals filed two actions seeking a remedy for Voltage's willful infringement of the '376 Patent: (i) a Section 337 proceeding before the U.S. International Trade Commission in an investigation captioned *In the Matter of Certain Photovoltaic Trunk Bus Cable Assemblies and Components Thereof*, Case No. 337-TA-1438 ("ITC Investigation"), against Petitioner; and (ii) a parallel action captioned *Shoals*

Technologies Group, LLC v. Voltage, LLC and Ningbo Voltage Smart Production Co., Case No. 1:25-cv-00026 in the Middle District of North Carolina (“MDNC Litigation”). The advanced stage of these two actions warrants discretionary denial.

Petitioner filed a petition for *inter partes* review of related U.S. Patent No. 12,015,375 (the “’375 Patent”), also asserted in the ITC Investigation and the MDNC Litigation, on August 19, 2025 in IPR2025-01443. Institution of IPR2025-01443 was discretionarily denied on December 18, 2025. *See* Notices of Decisions on Institution, IPR2025-01443, Paper 8 at 1 (PTAB Dec. 18, 2025). Then, Petitioner filed this Petition challenging the ’376 Patent on October 16, 2025 almost two months after that first petition challenging the ’375 Patent and also two months after the evidentiary hearing in the ITC Investigation (“ITC Evidentiary Hearing”). There, as here, Petitioner argued that the ’376 Patent is obvious.¹ The ITC Investigation hearing is now complete. A Final Initial Determination (“Final ID”) was to issue on December 30, 2025. *See* EX2002. Due to the government shutdown, the Final ID is delayed and now due February 6, 2026.

The completion of the ITC Evidentiary Hearing and pending Final ID date are alone enough to warrant discretionary denial here. But the ’376 Patent is also

¹ Petitioner's expert did not present an obviousness opinion at the ITC hearing; however, Petitioner continued to argue that the ITC should find the ’376 Patent invalid as obvious in its post-hearing brief.

the subject of the pending MDNC Litigation against Petitioner that is scheduled for a claim construction hearing on January 6, 2026, a bench trial on equitable defenses on February 26 and 27, 2026, and a jury trial in August of 2026. *See* EX2003. That case is not stayed (in fact, Petitioner sought no stay). Again, Petitioner has asserted as a defense that the '376 Patent is invalid as obvious (based on, *inter alia*, the same references asserted in this Petition).

The earliest expected Final Written Decision ("FWD") from the Board in this proceeding (if instituted) would not be until April 22, 2027, *more than one year after* the ITC Investigation Final ID will have issued and *almost eight months after* the district court jury trial. Discretionary denial is the correct result here. The remaining *Fintiv* factors also heavily weigh in favor of denial, which result is requested.

II. THE CHALLENGED PATENT AND THE PROCEDURAL HISTORY

A. The Challenged Patent

The '376 Patent issued on June 18, 2024 and is a continuation of U.S. Patent Application Serial No. 18/341,655 which issued as U.S. Patent No. 12,015,375 ("375 Patent"), which in turn is a continuation of U.S. Patent No. 11,689,153 ("153 Patent"), which is in turn a continuation of U.S. Patent No. 10,992,254 ("254 Patent"). *See* EX1001, cover, page 2. Petitioner has been aware of the '254 Patent since at least July of 2022, when it cited that patent as prior art to its own

patent application. *See* EX2004 at 1066-1068. The '254 and '153 Patents were asserted in a separate ITC investigation against Petitioner. *See In the Matter of Certain Photovoltaic Connectors and Components Thereof*, Case No. 337-TA-1365 ("First ITC Investigation"). The '153 Patent was found to be valid and enforceable by the Administrative Law Judge ("ALJ"). *See* EX2005 at 218.

Petitioner filed a petition for post-grant review of the '153 Patent and a petition for *inter partes* review of the '254 Patent, each of which was denied institution on the merits. *See Voltage, LLC v. Shoals Technologies Group, LLC*, PGR2024-00022, Paper 11 (PTAB Sept. 30, 2024) and *Voltage, LLC v. Shoals Technologies Group, LLC*, IPR2024-00876, Paper 9 (PTAB Nov. 18, 2024). The question of whether Petitioner infringes the '153 Patent is now on appeal to the Federal Circuit. *See Shoals Technologies Group, LLC v. ITC*, Case No. 25-1439 (Fed. Cir). On August 19, 2025 in IPR2025-01443, Petitioner also filed a petition for *inter partes* review of the related '375 Patent which was also asserted in the ITC Investigation and the MDNC Litigation. Institution of IPR2025-01443 was discretionarily denied on December 18, 2025. *See* Notices of Decisions on Institution, IPR2025-01443, Paper 8 at 1 (PTAB Dec. 18, 2025). Petitioner specifically became aware of the '376 Patent at least as early as its issue date of June 18, 2024 in connection with the First ITC Investigation.

B. The Procedural History

On January 9, 2025, Patent Owner filed the MDNC Litigation against Petitioner for patent infringement of the '376 Patent and the '375 Patent, relating to connectors for solar panel installations. On that same day, Patent Owner filed a Verified Complaint for importation violations in the ITC against Petitioner asserting the same patents. The ITC Investigation was instituted on February 11, 2025.

The ITC Evidentiary Hearing took place between August 20 and 26, 2025. *See* EX2002 at 3. In that investigation, Petitioner had a full and fair opportunity to set forth all challenges to validity of the '376 Patent. Petitioner identified and thoroughly claim charted the references that are the subject of this Petition in its notice of prior art at the ITC and in its invalidity contentions. Petitioner made a strategic decision not to present these references at the ITC Evidentiary Hearing. A Final ID is to be issued on or before February 6, 2025 and the target date for completion of the investigation is June 8, 2026, taking into consideration the delay due to the government shutdown.

The MDNC Litigation has also proceeded to an advanced stage. Fact discovery will close on December 31, 2025, a claim construction hearing is set for January 6, 2026, and expert discovery will be complete on or by February 24, 2026. *See* EX2003 at 2. Thereafter, the Court has set a bench trial on equitable

defenses for February 26 and 27, 2026 and a jury trial is set for August 24 through 28, 2026. *See* EX2003 at 3. The MDNC Litigation will also be completed well before any FWD by the Board here.

III. ALL *FINTIV* FACTORS HEAVILY WEIGH IN FAVOR OF DENIAL

The Petition should be denied pursuant to 35 U.S.C. § 314. Section 314(a) states that the “Director *may not* authorize an inter partes review to be instituted unless the Director determines that the information presented in the petition ... shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a) (emphasis added).

In determining whether to exercise discretionary power under § 314(a), the Director balances the six factors set forth in *Apple Inc. v. Fintiv, Inc.* and may consider the non-exhaustive considerations enumerated in the March 26 Memo.

The *Fintiv* factors contemplate:

1. whether the court granted a **stay** or evidence exists that one may be granted if a proceeding is instituted;
2. **proximity of the court's trial date** to the Board's projected statutory deadline for a final written decision;
3. **investment** in the parallel proceeding by the court and the parties;

4. **overlap** between issues raised in the petition and in the parallel proceeding;

5. whether the petitioner and the defendant in the parallel proceeding are the **same party**; and

6. **other circumstances** that impact the Board's exercise of discretion, **including the merits**.

Apple Inc. v. Fintiv, Inc., IPR2020-00019, Paper 11 at 6 (PTAB Mar. 20, 2020) (precedential) ("*Fintiv*") (emphasis added). The Board takes a "holistic view of whether efficiency and integrity of the system are best served by denying or instituting review." *Id.* Here, all six *Fintiv* factors weigh against institution and are addressed in turn below.

A. *Fintiv* Factor 1: No Stay or Effort to Secure a Stay

First, discretionary denial may not be appropriate if the court or other tribunal granted a stay or evidence exists that one may be granted if the IPR proceeding is instituted. Here, no stay is possible since the ITC Evidentiary Hearing has already been completed. Nor has the MDNC Litigation been stayed, and in fact Petitioner made a strategic decision to continue the MDNC Litigation in parallel with the ITC Investigation so that its defenses would be heard in both forums. This factor therefore favors denial of institution.

B. *Fintiv* Factor 2: ITC Final ID Will Issue 14 Months Before and a Jury Trial will Conclude Almost 8 Months Before A FWD Here

As noted above, an evidentiary hearing has already taken place in the ITC Investigation (August 20-22, 25 and 26). *See* EX2002 at 3; EX2004. The Board's projected statutory deadline for a FWD here is April 22, 2027. The Final ID in the ITC Investigation is due February 6, 2026 with a final target date for completion of the investigation of June 8, 2026, taking into consideration the delay due to the government shutdown. The jury trial in the MDNC Litigation is set for August 24 through August 28 of 2026. *See* EX2003 at 3.

A FWD would not issue until well after the ITC Investigation is resolved and after the MDNC Litigation trial has taken place. It simply makes no sense to institute this proceeding, where the validity of the '376 Patent will have been fully and previously vetted twice in two other separate tribunals. This factor favors denial of institution. *See Garmin Int'l, Inc. v. Koninklijke Philips N.V.*, IPR2020-00754, Paper 11 at 9-12 (PTAB Oct. 27, 2020)

C. *Fintiv* Factor 3: The Court and Parties have Invested Considerable Resources in the MDNC Litigation and the ITC Investigation

The parties, the ITC, and the Court in the MDNC Litigation have unquestionably invested (and continue to invest) enormous time and resources in the ITC Investigation and in the MDNC Litigation. A sizeable investment in time and expense has been made to get the ITC Investigation through its completion,

including by the ITC itself. Similarly, in the MDNC Litigation, Petitioner and Patent Owner have invested and will continue to invest vast resources in the progress of that case, with fact discovery set to conclude December 31, 2025, a claim construction hearing set for January 6, 2026, expert discovery set to conclude on February 24, 2026, a bench trial on equitable defenses February 26-27, 2026, and jury trial set for August 24-28, 2026. *See* EX2003 at 2-3.

As an example of the resources expended on validity alone, the parties exchanged validity contentions in the ITC Investigation on May 5, June 3 and June 13 of 2025. These validity contentions number in the thousands of pages and address the identical obviousness references and arguments raised in this Petition. Patent Owner submitted a response to these validity contentions comprising 450 pages of analysis. Thereafter, the parties continued to expend considerable resources on Petitioner's obviousness defense at the expert phase of the ITC Investigation. At the ITC, the Petitioner's June 23, 2025 expert report on validity of the '376 Patent alone enumerated 694 pages. That report abandoned the Machida reference, however, it continued to press the alleged obviousness of the '376 Patent making substantively identical arguments as those presented in this Petition. Patent Owner's responsive expert report on validity numbered 685 pages. Both experts were deposed over multiple days, and Petitioner continued to press obviousness in the pre-hearing stage. The Solon, Sakatani, and Kim references of

Grounds 1 and 2 in this Petition were each argued as part of combinations of art in Petitioner's and Patent Owner's pre-hearing briefing. Further, on July 7, 2025, Petitioner submitted hundreds of pages of invalidity contentions in the MDNC Litigation, including reasserting the Machida reference once again in a near 80-page claim chart. *See* EX2006. These are but examples of the investment already made in these other tribunals that weigh strongly in favor of denial of institution of this Petition, where significant duplicative investment will be required. No efficiency is served by institution of this Petition.

D. *Fintiv* Factor 4: There is Considerable Overlap Between this IPR, the MDNC Litigation, and the ITC Investigation

The overlap between issues raised in the Petition, the ITC Investigation and the MDNC Litigation favor denial of institution. Here, the issues presented as to the validity of the '376 Patent are nearly identical: (i) the references cited in the Petition were included in the notice of prior art and initial invalidity contentions in the ITC; (ii) the '376 Patent had been challenged as obvious through the ITC hearing until Petitioner's expert essentially abandoned the obviousness position on the last day of the hearing; and (iii) preliminary invalidity contentions submitted on July 21, 2025 in the MDNC Litigation assert the identical references as asserted in the Petition. *See* EX2006; EX2007; EX2008; EX2009; EX2010. Importantly, Petitioner has raised the identical theory of invalidity in the MDNC Litigation as those that have been asserted in the Petition.

Further, Petitioner's offered *Sotera* stipulation rings hollow. The ITC Evidentiary hearing is completed. Petitioner has already pursued its validity challenges to the '376 Patent, based on the identical art as presented in this petition. In the MDNC Litigation, as extensively set forth above, Petitioner is actively pursuing the very validity challenges presented in this petition, and that case will go to trial next summer. The *Sotera* stipulation comes too late. *See, e.g., Canadian Solar Inc. and Canadian Solar (USA) Inc. v. The Solaria Corporation*, IPR2021-00659, Paper 14 at 14 (PTAB Sept. 30, 2021); *Regeneron Pharms., Inc. v. Novartis Pharma AG, et al.*, IPR2020-01317, Paper 15 at 18-21 (PTAB Jan. 15, 2021). The proposed *Sotera* stipulation simplifies nothing.

This factor therefore favors denial of institution.

E. *Fintiv* Factor 5: Petitioner, Defendants, and Respondents Are the Same Entities

The parties are the same across all tribunals. Petitioner is the Respondents in the ITC Investigation and the Defendants in the MDNC Litigation. Patent Owner is the Complainant and Plaintiff, respectively. Thus, this factor favors denial of institution.

F. *Fintiv* Factor 6 / March 26 Memo Considerations (1), (3) and (4)

Finally, Patent Owner notes that additional considerations also favor institution denial. Section 314(a), the March 26 Memo, and efficiency considerations favor denial because Petitioner's invalidity arguments are already

being considered in parallel proceedings in their final stages, rely heavily on expert testimony, and are weak on the merits.

As noted above, there is significant overlap between the arguments presented here and those already presented in the ITC Investigation and that will be presented in the MDNC Litigation. Further, like the extensive expert testimony presented here, at the ITC Evidentiary Hearing, Petitioner presented similar extensive expert testimony, and they will certainly do so again in the MDNC Litigation. This further highlights the overlap between this Petition and those parallel proceedings, the extensive prior investment made, and the inefficiencies presented by this Petition.

The significant investment already expended to address these substantively similar invalidity positions, which are now again being presented to the Board, is antithetical to the preservation of the efficiency and consistency of the patent system, which is a key objective of *Fintiv*. See, e.g., *NHK Spring Co., Ltd. v. Intri-Plex Techs., Inc.*, No. IPR2018-00752, 2018 WL 4373643, at *7 (PTAB Sept. 12, 2018).

Even if all the *Fintiv* factors did not already weigh in favor of denial, institution should also be denied because of the weak merits of the invalidity challenge. The Machida primary reference here was already extensively charted in the ITC Investigation contentions, but was apparently abandoned by Petitioner at

the ITC Evidentiary Hearing in favor of what was presumably better invalidating art. *See* EX2006. Nevertheless, each of the four references relied on in this Petition was independently charted in detail in the ITC Investigation. *See* EX2006; EX2007; EX2008; EX2010. None of these references were ultimately presented at the ITC Evidentiary Hearing but they were the subject of extensive litigation disclosures and discovery at the ITC. That Petitioner did not ultimately present those references at the ITC Evidentiary Hearing indicates a lack of merit. If Petitioner argues otherwise, then Petitioner opted not to present them at the ITC Evidentiary Hearing to try to manufacture a basis for institution here. In either scenario, Petitioner's conduct weighs strongly against institution.

In the MDNC Litigation, preliminary invalidity contentions have been served, and the identical references cited in this Petition have been presented as invalidating references.

Petitioner's apparent procedural gamesmanship in forcing Patent Owner to expend resources litigating the identical defense in three separate forums should not be rewarded.

Patent Owner also notes that the secondary reference on which Ground 1 of the Petition relies, namely U.S. Patent Publication No. 2011/0011642 A1 ("Solon") (EX1007), is Patent Owner's own art that is cited and referenced in the background section of the '376 Patent specification and is admitted as prior art in Figure 2 of

the '376 Patent. *See* EX1001 at 1:36-47. Thus, the Solon reference has already been considered by the Patent Office, so again the Petition is presenting arguments and references here that have already been considered elsewhere.

Finally, the Patent Owner's product covered by the '376 Patent is indisputably a commercial success that was copied by the Petitioner. *See, e.g.*, EX2005 at 214-216 (ALJ finding strong evidence of objective indicia of non-obviousness for related patents covering same product) Petitioner's repeated attempts to invalidate the claims of the '376 Patent as obvious, without any effort to address these strong objective indicia, further underscore the weakness of the Petition on the merits. To reward yet another overlapping and duplicative attempt at invalidating the '376 Patent is contrary to the intent behind IPR proceedings.

Patent Owner believes that the other potential considerations noted in the March 26 Memo have either been addressed above or do not pertain to this proceeding, such that they cannot support institution.

IV. CONCLUSION

For the reasons set forth above, Patent Owner respectfully requests that the Director exercise discretion and deny institution of the Petition in its entirety.

Respectfully submitted,

Date: December 22, 2025

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IPR2026-00068 (Patent 12,015,376)
Patent Owner's Request for Discretionary Denial

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), this is to certify that on this 22nd day of December, 2025, I caused to be served a true and correct copy of the foregoing **PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL (with EX2001-2010)** by e-mail on the following counsel of record (as identified in the Petition):

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