

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

ZHUHAI COSMX BATTERY CO., LTD.,
Petitioner,

v.

NINGDE AMPEREX TECHNOLOGY LIMITED,
Patent Owner.

IPR2025-00524 (Patent 12,015,118 B2)
IPR2025-00722 (Patent 11,799,131 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 in IPR2025-00722 and
Referring the Petition in IPR2025-00524 to the Board

IPR2025-00524 (Patent 12,015,118 B2)
IPR2025-00722 (Patent 11,799,131 B2)

Ningde Amperex Technology Limited (“Patent Owner”) filed a request for discretionary denial (Paper 7, “DD Req.”) in the above-captioned cases, and Zhuhai CosMX Battery Co., Ltd. (“Petitioner”) filed an opposition (Paper 8, “DD Opp.”).¹

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in IPR2025-00722, but is not appropriate in IPR2025-00524. This determination is based on the totality of the evidence and arguments the parties have presented.

IPR2025-00524 presents essentially the same discretionary considerations as those presented in IPR2025-00385, IPR2025-00389, IPR2025-00405, IPR2025-00431, and IPR2025-00432. *See, e.g., Zhuhai Cosmx Battery Co. v. Ningde Amperex Tech. Ltd.*, IPR2025-00385, Paper 9 (Director July 2, 2025) (denying Patent Owner’s request for discretionary denial). Accordingly, that analysis is incorporated here. *Id.* at 2–3. It is noted that Patent Owner amended its district court complaint to add the patent challenged in IPR2025-00524, and Petitioner filed its Petition challenging that patent a few months later, which explains why Patent Owner’s request for discretionary denial in IPR2025-00524 was not decided at the same time as its earlier requests. DD Req. 1; DD Opp. 1.

IPR2025-00722 presents different circumstances. The Petition in IPR2025-00722 is the second petition filed by Petitioner against U.S. Patent No. 11,799,131, which is also the subject of IPR2025-00431. Repeat challenges weigh against institution. In addition, Petitioner ranks the

¹ Citations are to papers in IPR2025-00524. The parties filed similar papers in IPR2025-00722.

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petition in IPR2025-00431 above the Petition in IPR2025-00722. *See* IPR2025-00722, Paper 3, 5. These considerations favor discretionary denial.

Although certain arguments are highlighted above, the determinations in this Decision are based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition in IPR2025-00722 is denied under 35 U.S.C. §314(a), and the Petition in IPR2025-00524 is referred to the Board to handle the case in the normal course, including by issuing a decision 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 in IPR2025-00722 is *granted*;

FURTHER ORDERED that the Petition in IPR2025-00722 is *denied* and no trial is instituted;

FURTHER ORDERED that Patent Owner's request for discretionary denial in IPR2025-00524 is *denied*;

FURTHER ORDERED that the Petition in IPR2025-00524 is referred to the Board; and

FURTHER ORDERED that neither party shall file a request for rehearing or Director Review of the decision to deny Patent Owner's request for discretionary denial in IPR2025-00524 until the Board issues a decision on institution.

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FOR PETITIONER:

Jason Eisenberg

Jason Fitzsimmons

Kristina Kelly

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

jasone-ptab@sternekessler.com

jfitzsimmons-ptab@sternekessler.com

kckelly-ptab@sternekessler.com

James Stein

LEE & HAYES, P.C.

james.stein@leehayes.com

PATENT OWNER:

Christopher Douglas

Madeline Byrd

Miranda Sooter

Casey Hickey

ALSTON & BIRD LLP

christopher.douglas@alston.com

maddy.byrd@alston.com

miranda.sooter@alston.com

casey.hickey@alston.com