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U.S. Department of Commerce
U.S. Patent and Trademark Office
37 CFR Part 1
Docket No. PTO-P-2025-0545
RIN 0651-AD94

Re: Comments by Adeia Inc. in Support of the Proposed "Requirement to Identify All Real Parties in Interest to a Third Party Request for an Ex Parte Reexamination" (Docket No. PTO-P-2025-0545)

Adeia Inc. ("Adeia") submits these comments in response to the U.S. Patent and Trademark Office ("USPTO" or "Office") Notice of Proposed "Requirement to Identify All Real Parties in Interest to a Third Party Request for an Ex Parte Reexamination" [Docket No. PTO-P-2025-0545] RIN 0651-AD94, 91 Fed. Reg. 46,038-42 (July 22, 2026) ("Proposed Rule").

I. BACKGROUND

Adeia is a publicly traded, U.S.-based research and development ("R&D") technology company headquartered in Silicon Valley (NASDAQ: ADEA). Adeia invents, develops, and accelerates the adoption of next-generation technologies for the semiconductor and media industries. Adeia is among the most innovative companies in America, ranking in the Top 30 U.S. companies granted the most U.S. patents last year.[1] In 2025, Adeia invested $67 million into R&D, representing more than 15% of its annual revenue. Adeia's advanced semiconductor R&D includes hybrid bonding and thermal management technologies critical to the development of artificial intelligence ("AI") and data center infrastructure.[2] Adeia's media technologies include leading-

[1] *See* Intellectual Property Owners Ass'n & Harrity Analytics, *Top 300 Organizations Granted U.S. Patents in 2025, 43rd Annual Listing* (June 15, 2026), *available at* https://ipo.org/wp-content/uploads/2026/06/2026-IPO-Top-Patent-Owners-List.pdf (ranking Adeia #66 among all organizations worldwide, and among the top 30 U.S.-headquartered companies, to be granted the most U.S. patents in 2025). Adeia was granted more patents last year than HP, AMD, Meta, Broadcom, and many other technology leaders.

[2] *See, e.g.*, Yole Group, *Hybrid Bonding & Latest Advancements in 2.5D/3D Packaging Industry* (Feb. 27, 2025), *available at* https://www.yolegroup.com/player-interviews/hybrid-bonding-latest-advancements-2-5d-3d-packaging-industry-an-interview-with-adeia/ ("ADEIA is the market leader in providing innovations for hybrid bonding…. At the heart of … AI, data center, and HPC [high-performance computing], is massively parallel processing of bits, which requires scaling the interconnect to finer pitches for high bandwidth, low power interfaces. Hybrid bonding is the core technology to make this interconnect a reality."); 3DInCites, *An Integrated Cooling Solution for Hot Chips* (June 4, 2025), *available at* https://www.3dincites.com/2025/06/an-integrated-cooling-solution-for-hot-chips/ ("Adeia's Integrated Cooling Solution represents a paradigm shift in semiconductor thermal management. By eliminating the TIM layer and leveraging advanced silicon bonding techniques, ICS delivers improved thermal efficiency-reducing chip temperatures, increasing reliability to enabling higher computational chipsets for AI-centric data centers."); *see also* Storagenewsletter.com, *FMS 2025: Best of Show Award Winners 2025* (Aug. 7, 2025) (Adeia's hybrid bonding technology awarded "Most Innovative Technology" in the 3D Memory Technology

edge advancements in video streaming, as well as pioneering AI solutions that enable media and entertainment platforms to deliver more immersive experiences.[3] Adeia holds over 14,000 U.S. and foreign patents and patent applications, and is a major stakeholder in the U.S. patent system.

Adeia applauds USPTO leadership for recognizing the need for the Proposed Rule. Adeia **supports** the Proposed Rule, with one recommended change noted in Part II.B below.

II. ADEIA COMMENTS

A. Adeia Has Experienced a Surge of Anonymous EPR Requests.

The Proposed Rule's observation that "[t]he Office is currently receiving a significant number of *ex parte* reexamination ['EPR'] requests"[4] is consistent with Adeia's experience. Adeia is not aware of having received a single EPR request against any of its patents for more than a decade prior to October 2025. But in the six months that followed, Adeia received notice of 10 EPR requests — all filed anonymously:

Patent #	Application #	EPR Filing Date	Law Firm Filing EPR	Real Party in Interest
9,690,833	90/015,568	Oct. 1, 2025	Holzer Patel Drennan	**Anonymous**
7,890,490	90/015,595	Oct. 10, 2025	Holzer Patel Drennan	**Anonymous**
8,949,231	90/015,617	Oct. 22, 2025	Holzer Patel Drennan	**Anonymous**
8,516,524	90/015,815	Dec. 22, 2025	Holzer Patel Drennan	**Anonymous**
8,825,576	90/015,823	Dec. 23, 2025	Holzer Patel Drennan	**Anonymous**
10,965,726	90/015,822	Dec. 23, 2025	Holzer Patel Drennan	**Anonymous**
8,375,069	90/015,868	Jan. 8, 2026	Holzer Patel Drennan	**Anonymous**
9,355,182	90/015,896	Jan. 20, 2026	Holzer Patel Drennan	**Anonymous**
10,931,992	90/015,979	Feb. 19, 2026	Holzer Patel Drennan	**Anonymous**
9,223,873	90/016,116	Apr. 1, 2026	Holzer Patel Drennan	**Anonymous**

In each instance in which reexamination was ordered, Adeia was forced to defend its duly issued patent without knowing whether the requester is a current or prospective licensee, a competitor, an affiliate of a previously estopped party, a party acting at the direction of another entity, or a foreign-backed entity.

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category), *available at* https://www.storagenewsletter.com/2025/08/07/fms-2025-best-of-show-award-winners-2025/.

[3] *See* Business Intelligence Group, *AI Breakthroughs of 2025 – Celebrating the Visionaries, Innovators & Trailblazers of the Artificial Intelligence Excellence Awards* (Mar. 25, 2025), *available at* https://www.bintelligence.com/posts/ai-breakthroughs-of-2025-celebrating-the-visionaries-innovators-and-trailblazers-of-the-artificial-intelligence-excellence-awards (recognizing Adeia for its "remarkable contributions to the AI industry").

[4] Proposed Rule, 91 Fed. Reg. 46,039. *See also* RPX, *Reexams Surge Again in Q1—Prompting USPTO to Take Limiting Measures* (May 27, 2026) ("The first quarter saw a particularly large spike in filings, going up by 190% compared to Q1 2025."), *available at* https://www.rpxcorp.com/data-byte/reexams-surge-again-in-q1-prompting-uspto-to-take-limiting-measures/.

Adeia agrees with the Proposed Rule's goals of allowing the Office to assess whether an estoppel applies and to identify mistakes or misrepresentations in the certification. But disclosure to the Office alone would solve only part of the problem. As the Proposed Rule recognizes, real party in interest ("RPI") status may be disputed and is highly fact-dependent. A patent owner may have relationship, licensing, litigation, or public-record evidence bearing on whether the requester's disclosure is complete and accurate. The final rule should also permit the patent owner, and to the fullest extent consistent with law, the public, to learn the RPI's identity and bring relevant evidence to the Office's attention.

B. Adeia Recommendation: The RPI's Identity Should Also Be Disclosed to the Public, or at Minimum, to the Patent Owner.

The Proposed Rule would permit disclosure of the RPI only to the Office, and suggests it is legally required or desirable from a policy standpoint to keep the RPI's identity secret from the public and patent owner. Adeia urges the Office to consider this further.

Adeia believes that greater RPI transparency is both legally permissible and better policy. As discussed further below, the statutory text does not expressly require secrecy for EPR RPIs; the original rationale for keeping the RPI's identity secret has been refuted by well over a decade of empirical evidence; and the Office has recognized the benefits of greater RPI transparency in other contexts.

Adeia's specific recommendation is that in proposed § 1.510(b)(7), the final rule **<u>not</u>** include the sentence, "Upon the written request of the third party requester, the statement will be excluded from the patent and reexamination files and kept confidential":

> § 1.510 Request for ex parte reexamination.
> * * * * *
> (b) * * *
> (7) A separate statement by the third party requester identifying all real parties in interest to the ex parte reexamination request. The statement must be submitted according to the parameters established by the Office. ~~Upon the written request of the third party requester, the statement will be excluded from the patent and reexamination files and kept confidential.~~

Alternatively, Adeia recommends that the Office make clear that the phrase "kept confidential" permits disclosure not only to the Office, but also to the patent owner, on a confidential basis.

1. Sections 301(e) and 302 Do Not Require Confidentiality for EPR RPIs or Prevent Disclosure to the Patent Owner.

The only statute the Proposed Rule cites as requiring public anonymity of the RPI is 35 U.S.C. § 301(e). Section 301 governs third party submissions citing prior art and prior written admissions of the patent owner that the third party wishes to be included in the patent file. It provides: "Upon the written request of the person citing prior art or written statements pursuant to subsection (a), that person's identity shall be excluded from the patent file and kept confidential."

But the Proposed Rule and the statute distinguish such "mere citations of prior art and written statements" under Section 301 from EPR requests, which are governed by Section 302.[5] Section 301 does not refer to Section 302 or state that the identity of an EPR requester proceeding under Section 302 must be kept confidential. To the contrary, the plain text of Section 301 only requires that the identity of someone who files a written submission "*pursuant to subsection (a) [of Section 301]*" be kept confidential. 35 U.S.C. § 301(e).

Nor does Section 302 itself include any provision requiring confidentiality of an RPI's identity. Section 302 provides that any third party can make an EPR request based on prior art cited under Section 301, but does not state that the confidentiality provisions of Section 301 would govern such a request. It simply says that an EPR requester can cite the prior art that was previously identified in a Section 301 submission. As such, mere citations of prior art and written statements submitted under Section 301 can remain anonymous, but when a third party takes the additional step of requesting reexamination under Section 302, the statutory text does not require that the requester's identity remain confidential. Not only that, Section 302 suggests the opposite, stating "[u]nless the requesting person is the owner of the patent, the Director promptly will send a copy of the request to the owner of record of the patent." 35 U.S.C. § 302. This requirement to send the EPR request to the patent owner does not include any carve-out for the RPI's identity, such as a mandate that the identity be kept confidential or be redacted.

The Proposed Rule further cites Section 301's implementing regulation at 37 CFR § 1.501(d), which provides that, "[i]f the person making the submission wishes his or her identity to be excluded from the patent file and kept confidential, the submission papers must be submitted anonymously without any identification of the person making the submission." But again, this only applies to submissions under Section 301. And the Proposed Rule would make it clear that Section 1.501(d) is limited to such "mere citations of prior art and written statements" under Section 301, and would not apply to EPR requests.[6] The implementing regulations for EPRs are Sections 1.525-1.565, and none of those sections addresses the confidentiality of the requester's identity.

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[5] *See* Proposed Rule, 91 Fed. Reg. 46,040 ("Proposed § 1.501(d) would be revised to clarify that papers submitted 'under this section' (*i.e*., mere citations of prior art and written statements) can be submitted anonymously without any identification of the person making the submission. The language 'under this section' would be added to distinguish citations of prior art and written statements submitted under § 1.501, which may still be submitted anonymously, from *ex parte* reexamination requests under § 1.510, which would now require identification of all real parties in interest to the request.").

[6] *Ibid.*

If the Office nonetheless concludes that 35 U.S.C. § 301(e) applies to Section 302 and requires an EPR requester's identity to remain outside the public patent file, Adeia alternatively recommends that the final rule at least permit disclosure of the RPI's identity to the patent owner under reasonable confidentiality and use safeguards, and establish a procedure for the patent owner to submit evidence concerning the statement's completeness and any applicable estoppel. This is legally permitted under the same rationale as the Proposed Rule's rationale for disclosing the RPI to the Office. The Proposed Rule states that Section 301(e) "only requires keeping the requester's identity confidential from the public, not from the Office."[7] But Section 301(e) does not actually refer to "the public." It states that the requester's identity "shall be excluded from the patent file and kept confidential." 35 U.S.C. § 301(e). Accordingly, if this language is interpreted to permit disclosure to the Office, the same interpretation would permit disclosure to the patent owner: the RPI's identity could still be excluded from the patent file, but disclosed to the patent owner confidentially.

2. The Original Rationale for Maintaining RPI Anonymity Has Proven to Be Unfounded.

The Proposed Rule cites legislative history from nearly 50 years ago and public comments from 2012 as evidence of the asserted need to keep an RPI's identity secret from the public. But the original hypothetical worry — that disclosing an RPI's identity would supposedly chill a third party's willingness to file an EPR — has been substantially undermined by nearly fourteen years of experience under the AIA.[8]

One only has to look at inter partes reviews ("IPRs") to see that public RPI disclosure has not prevented widespread use by third-party patent challengers. Unlike EPR requesters, an IPR petitioner must disclose all RPIs. Despite that requirement, IPRs rapidly became, and for more than a decade remained, "the most-used type of post-grant proceeding introduced by the AIA by an overwhelming margin"[9] and "the dominant mechanism for challenging issued U.S. patent claims."[10] That would simply not be the case if disclosing the filer's identity had a chilling effect. The sustained level of use is powerful evidence that RPI disclosure does not materially deter legitimate patent challenges.

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[7] *Id.*, 91 Fed. Reg. 46,039.

[8] *See ibid.* (citing 1980 legislative history at H.R. Rep. 96-1307, 6, 1980 U.S.C.C.A.N. 6460, 6465; and citing Comments 20 and 25 to the August 2012 Final Rule, 77 Fed. Reg. at 46621).

[9] Congressional Research Service, R48016, *The Patent Trial and Appeal Board and Inter Partes Review*, at 11 (2024), *available at* https://www.congress.gov/crs-product/R48016.

[10] Patently-O, *Decimation: Ex Parte Reexamination Eclipses the IPR* (May 2, 2026), *available at* https://patentlyo.com/patent/2026/05/decimation-ex-parte-reexamination-eclipses-the-ipr.html. In IPRs' first five years of operation, filings more than tripled, surging from 514 petitions in the first full fiscal year (FY2013) to 1,812 petitions in FY2017. This elevated level of filings stayed relatively consistent over the following years, with 1,361 IPR petitions filed in FY2025, more than 2½ times the FY2013 level. *See* U.S. Patent & Trademark Office, *PTAB Trial Statistics: FY25 End of Year Outcome Roundup*, at 3 (2025), *available at* https://www.uspto.gov/sites/default/files/documents/Trial_StatsFY25_Q4.pdf; U.S. Patent & Trademark Office, *Trial Statistics: IPR, PGR, CBM*, at 5 (Sept. 2017), *available at* https://www.uspto.gov/sites/default/files/documents/Trial_Stats_2017-09-30.pdf; U.S. Patent & Trademark Office, *Patent Trial and Appeal Board Statistics*, at 4 (Sept. 30, 2015), *available at* https://www.uspto.gov/sites/default/files/documents/2015-09-30%20PTAB.pdf.

3. Public Policy Favors Disclosing an RPI's Identity to the Patent Owner and Public.

There are many strong public policy reasons for greater RPI transparency, which the Office has recognized in other contexts.

a. Efficient resolution of licensing and other disputes.

If the patent owner knew the RPIs behind EPRs, it could facilitate the efficient resolution of licensing discussions or other disputes. The Office's Consolidated Trial Practice Guide explains that, at a general level, the RPI in an AIA proceeding is "the party that desires review of the patent," which may include "the party or parties at whose behest the petition has been filed."[11] Identifying the parties who actually desire review of a patent can enable the patent owner to engage directly with the entities having underlying commercial interests in the dispute, including through licensing discussions or other consensual resolution. Early resolution of disputes could avoid additional EPRs or other legal proceedings being filed, conserving resources of the parties, the Office, and potentially courts or other administrative agencies.

This same efficiency rationale has been recognized in the related debate over transparency concerning third-party litigation funding. In a March 2026 submission to the federal Advisory Committee on Civil Rules proposing mandatory disclosure of third-party litigation funding, the U.S. Chamber of Commerce and Lawyers for Civil Justice explained that disclosure enables courts and parties to understand who they are actually negotiating with and who has settlement authority. They identified among the consequences of nondisclosure courts' inability to manage settlement conferences effectively, parties wasting time negotiating with nominal parties who lack authority, litigation continuing at the behest of hidden funders despite the parties' desire to settle, and surreptitious violations of confidentiality orders.[12] The Advisory Committee itself identified "whether a funder should be involved in settlement conferences" and "whether a funder has influence or even a veto power over settlement" as potential purposes of third-party litigation funding transparency.[13]

b. Adjudicative integrity.

RPI disclosure to patent owners can also improve the Office's ability to identify duplicative proceedings, statutory or collateral estoppel, and other issues implicated by the filing. Recent Director Review decisions demonstrate the important role that patent owners can play in that

[11] U.S. Patent & Trademark Office, *Patent Trial and Appeal Board Consolidated Trial Practice Guide* § I.D.1 (Dec. 2025), *available at* https://www.uspto.gov/patents/ptab/trial-practice-guide.

[12] U.S. Chamber of Commerce Institute for Legal Reform & Lawyers for Civil Justice, *A Revised Proposal: Amend Rule 26(a)(1)(A) to Guide Courts and Parties on TPLF Disclosure While Preserving Judicial Discretion and Protecting Parties' Assertions of Privilege*, Rules Suggestion to the Advisory Committee on Civil Rules and Its TPLF Subcommittee, at 9 (Mar. 10, 2026), *available at* https://askabouttplf.com/wp-content/uploads/2026/03/LCJ-and-ILR-TPLF-Rule-Suggestion-3-10-26.pdf.

[13] Advisory Comm. on Civ. Rules, Jud. Conf. of the U.S., *Minutes of November 1, 2018 Meeting*, at 9 (Nov. 1, 2018), *available at* https://www.uscourts.gov/sites/default/files/2018-11-01-cv-minutes_0.pdf.

inquiry. In *Yangtze Memory Technologies Co. v. Micron Technology, Inc.*,[14] the Director vacated institution after the patent owner presented evidence sufficient to place the petitioner's RPI identification in dispute and the petitioner failed to rebut that evidence. Similarly, in the precedential *Tianma Microelectronics Co. v. LG Display Co.* decision,[15] evidence presented by the patent owner placed in dispute both whether all RPIs had been identified and whether an RPI was a foreign government. In both cases, evidence presented by the patent owner assisted the Office in determining whether the petitioner had satisfied the RPI requirement.

Patent owners are particularly well positioned to provide such information because they know the parties with whom they are engaged in licensing discussions and other patent disputes. For example, a patent owner may know facts indicating that a requester is affiliated with an estopped party; that an RPI disclosure is incomplete or inaccurate; that the request is being funded or directed by another entity; or that confidential information from licensing discussions has been used in preparing the reexamination request. Keeping the disclosed RPIs secret from the patent owner deprives the Office of precisely the type of information that its recent RPI decisions demonstrate patent owners can provide.

c. National security.

In a memorandum to all PTAB judges dated October 28, 2025, Director Squires reinstated the strict requirement that IPR petitioners identify all RPIs behind their petitions before institution, designating as precedential *Corning Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015).[16]

The Director noted that inadequate RPI disclosure presents significant national-security concerns because opaque investment structures can permit foreign adversaries and state-linked entities to finance or direct U.S. patent challenges, including in strategically important technologies such as semiconductors and AI.[17] He concluded that "the RPI requirement … functions not merely as a procedural safeguard, but as a national-security measure," and that "[t]he integrity of PTAB proceedings depends on knowing who is behind a petition — who funds it, directs it, and/or benefits from it."[18]

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[14] *Yangtze Memory Technologies Co., Ltd. v. Micron Technology, Inc.*, IPR2025-00098, IPR2025-00099, Paper 38 (PTAB Jan. 15, 2026) (Director Review Order vacating decisions granting and denying institution), *available at* https://www.uspto.gov/sites/default/files/documents/ipr2025-00098_paper38.pdf.

[15] *Tianma Microelectronics Co., Ltd. v. LG Display Co., Ltd.*, IPR2025-01579, Paper 12 (PTAB Mar. 18, 2026) (precedential), *available at* https://www.uspto.gov/sites/default/files/documents/IPR2025-01579Paper12.pdf.

[16] *See* Oct. 28, 2025 Memorandum from John A. Squires to All PTAB Judges, "Precedential Designation of *Corning Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (except for § II.E.1)," *available at* https://www.uspto.gov/sites/default/files/documents/Precedential_designation_of_Corning_Optical_Communications_RF_LLC_v._PPC_Broadband_Inc_Memo_-_Dated_10_28_25.pdf.

[17] *Id*. at 2.

[18] *Id*. at 4.

The same national-security considerations apply to RPI transparency in EPR proceedings. U.S. patent owners should not be required to defend their patents through an administrative proceeding while being denied knowledge of whether the entity behind that proceeding is affiliated with, controlled by, or acting on behalf of a foreign government or other foreign interest. The Director observed in his Memorandum that "parties on the Department of Commerce 'entity list,' *i.e.*, parties 'involved in activities that are contrary to the national security or foreign policy interests of the United States' — have filed a substantial and increasing number of IPRs."[19] Because EPR requesters currently may remain anonymous, neither the Office nor patent owners can determine whether these same actors are also using EPRs to challenge U.S. patents — a problem exacerbated by the recent EPR surge. Indeed, of the 10 EPRs that have been filed anonymously against Adeia patents in the past several months, neither Adeia nor the Office knows whether the filings were made at the behest of a foreign state or an entity backed by a foreign state.

d. Public confidence in the U.S. patent system.

Greater RPI transparency also promotes public confidence in the U.S. patent system. As Director Squires observed, opacity concerning who funds, directs, or benefits from patent challenges can "undermine public confidence in the integrity of the patent system."[20] That concern is not limited to IPRs. EPRs can result in cancellation or amendment of issued patent rights, and the public has a legitimate interest in knowing the parties whose interests are driving those proceedings. Public RPI disclosure would provide accountability for the use of an important governmental process, while placing EPRs on a more consistent footing with IPRs, where RPI identities are publicly disclosed. There is no apparent policy reason why transparency concerning the identity of the parties behind a patent challenge should depend on which Office proceeding they select.

III. CONCLUSION

Adeia commends the Office on its leadership in developing the Proposed Rule. Adeia supports the Proposed Rule, but urges the Office also to require public disclosure of the identity of every RPI behind a third-party EPR request. At minimum, the final rule should require disclosure to the patent owner under appropriate confidentiality safeguards and provide a meaningful procedure for the patent owner to submit evidence concerning RPI completeness and estoppel.

Respectfully submitted,
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[19] *Id.* at 2-3.

[20] *Id*. at 4.