

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

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,
T-MOBILE USA, INC., AT&T SERVICES, INC.,
NOKIA OF AMERICA, CORP., ERICSSON INC.,
and GOOGLE LLC,
Petitioner,

v.

PEGASUS WIRELESS INNOVATION LLC,
Patent Owner.

IPR2025-00137 (Patent 11,540,272 B2)
IPR2025-00138 (Patent 10,181,931 B2)
IPR2025-00290 (Patent 10,721,118 B2)
IPR2025-00291 (Patent 10,594,460 B2)
IPR2025-00292 (Patent 9,894,644 B2)
IPR2025-00293 (Patent 10,009,161 B2)
IPR2025-00317 (Patent 11,405,942 B2)

Before KALYAN K. DESHPANDE,¹ *Acting Deputy Chief Administrative
Patent Judge.*

¹ Coke Morgan Stewart, Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office, is recused and took no part in this decision. The Acting Director has delegated her authority in a Notice of Delegation. *See*

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DECISION

Granting Patent Owner's Request for Discretionary Denial
and Denying Institution of *Inter Partes* Review

<https://www.uspto.gov/sites/default/files/documents/deshpande-delegation-letter.pdf>.

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Pegasus Wireless Innovation LLC (“Patent Owner”) filed a request for discretionary denial (Paper 12, “DD Req.”) in the above-captioned cases, and Cellco Partnership d/b/a Verizon Wireless, T-Mobile USA, Inc., AT&T Services Inc., Nokia of America, Corporation, Ericsson Inc., and Google LLC (collectively, “Petitioner”) filed an opposition (Paper 13, “DD Opp.”).²

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.

In particular, the projected final written decision due date for IPR2025-00137 is July 17, 2026, for IPR2025-00138 is July 28, 2026, for IPR2025-00292 is August 5, 2026, and for IPR2025-00293 is August 2, 2026. DD Req. 5; IPR2025-00138, Paper 12, 6; IPR2025-000292, Paper 12, 5–6; IPR2025-00293, Paper 12, 7. The district court’s scheduled trial date is September 8, 2025, and the time-to-trial statistics suggest trial will begin in November 2025. DD Req. 5–8. As such, it is unlikely that a final written decision in these proceedings will issue before district court trial occurs. Additionally, there is insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial, and there has been meaningful investment in the parallel proceeding by the

² Unless indicated otherwise, citations are to papers in IPR2025-00137. The parties filed similar papers in IPR2025-00138, IPR2025-00290, IPR2025-00291, IPR2025-00292, IPR2025-00293, and IPR2025-00317.

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parties. *Id.* at 4–5; 11–15. For example, fact discovery has closed and the parties have participated in a *Markman* hearing. *Id.* at 14–15.

IPR2025-00290, IPR2025-00291, and IPR2025-00317 present different circumstances. The challenged patents have been dismissed from the parallel district court proceeding on May 19, 2025 based on a joint motion by Petitioner and Patent Owner. *See, e.g.*, IPR2025-00290, Paper 12, 1–2; Ex. 1025. As Patent Owner asserts, it is an inefficient use of Board resources to review patents that have been dismissed on a joint motion by Petitioner and Patent Owner. *See, e.g.*, IPR2025-00290, Paper 12, 1–2. As such, this consideration does not tip the balance against 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 Petition is 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 Petition is *denied* and no trial is instituted.

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