

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

AT&T SERVICES INC., CELLCO PARTNERSHIP D/B/A VERIZON
WIRELESS, AND NOKIA OF AMERICA CORPORATION,
Petitioner,

v.

RIGHTQUESTION, LLC,
Patent Owner.

IPR2025-00360 (Patent 10,674,009 B2)
IPR2025-00361 (Patent 11,856,132 B2)
IPR2025-00362 (Patent 11,005,989 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

IPR2025-00360 (Patent 10,674,009 B2)

IPR2025-00361 (Patent 11,856,132 B2)

IPR2025-00362 (Patent 11,005,989 B2)

RightQuestion, LLC (“Patent Owner”) filed a request for discretionary denial (Paper 8, “DD Req.”) in the above-captioned cases, and AT&T Services Inc., Cellco Partnership D/B/A Verizon Wireless, and Nokia of America Corporation (“Petitioner”) filed an opposition (Paper 10, “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 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 each of these cases is October 15, 2026. DD Req. 10. The district court’s scheduled trial date is October 20, 2025, and the time-to-trial statistics suggest trial will begin by April 2026. *Id.* at 10, 16. As such, it is unlikely that a final written decision in these proceedings will issue before district court trial occurs, resulting in significant duplication of effort, additional expenses for the parties, and a risk of inconsistent decisions. Additionally, there is insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial. *Id.* at 69. Furthermore, there has been meaningful investment in the district court proceeding. *Id.* at 18–22. For example, the district court has held a *Markman* hearing and issued a claim construction order, and fact discovery is complete. *Id.* at 19.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of

¹ Citations are to papers in IPR2025-00360. The parties filed similar papers in IPR2025-00361 and IPR2025-00362.

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all of the evidence and arguments presented. Accordingly, the Petitions are 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 Petitions are *denied*, and no trial is instituted.

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FOR PETITIONER:

Kevin Anderson

Glenn Richeson

Brian Pandya

DUANE MORRIS LLP

kpanderson@duanemorris.com

gdlicheson@duanemorris.com

bpandya@wileyrein.com

FOR PATENT OWNER:

Sal Lim

David Alberti

Robert Mattson

KRAMER ALBERTI LIM & TONKOVICH LLP

slim@feinday.com

dalberti@krameralberti.com

rmattson@feinday.com

Kenneth Weatherwax

Kenneth Wang

LOWENSTEIN & WEATHERWAX LLP

weatherwax@lowensteinweatherwax.com

wang@lowensteinweatherwax.com