

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

MICROSOFT CORPORATION,
Petitioner,

v.

EDGE NETWORKING SYSTEMS, LLC,
Patent Owner.

IPR2025-00617 (Patent 10,893,095 B1)
IPR2025-00618 (Patent 11,695,823 B1)
IPR2025-00619 (Patent 10,686,871 B1)

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

DECISION
Referring the Petitions to the Board

IPR2025-00617 (Patent 10,893,095 B1)
IPR2025-00618 (Patent 11,695,823 B1)
IPR2025-00619 (Patent 10,686,871 B1)

Edge Networking Systems, LLC (“Patent Owner”) filed a request for discretionary denial (Paper 8, “DD Req.”) in the above-captioned cases, and Microsoft Corporation (“Petitioner”) filed an opposition (Paper 10, “DD Opp.”).¹ With authorization, Patent Owner filed a Supplemental Brief (Paper 11).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is not appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.²

In particular, the challenged patents have not been in force for a significant period of time (issued in 2021, 2023, and 2020, respectively). Accordingly, Patent Owner has not developed strong settled expectations that favor discretionary denial. Additionally, early challenges favor robust, predictable patent rights and weigh against discretionary denial. In addition, Petitioner provides persuasive reasoning, supported by evidence, that discretionary denial under 35 U.S.C. § 325(d) is not appropriate. DD Opp. 7–23; IPR2025-00618, Paper 11, 8–30; IPR2025-00619, Paper 10, 7–21.

Although certain arguments are highlighted above, the determination not to exercise discretion to deny institution is based on a holistic assessment

¹ Citations are to papers in IPR2025-00617. The parties filed similar papers in IPR2025-00618 and IPR2025-00619.

² It appears that there are multiple parallel proceedings in district court involving the challenged patent, but neither party raised these proceedings in their discretionary denial briefs. As a result, these proceedings are not part of the discretionary considerations in this Decision.

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of all of the evidence and arguments presented. Accordingly, the Petitions are referred to the Board to handle the cases 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 is *denied*;

FURTHER ORDERED that the Petitions are referred to the Board;
and

FURTHER ORDERED that neither party shall file a request for rehearing or Director Review of this decision until the Board issues a decision on institution.

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