

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE  
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

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ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD.,  
Petitioner,

v.

PANTECH CORPORATION,  
Patent Owner.

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IPR2025-00637  
Patent 9,763,283 B2

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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

Pantech Corporation (“Patent Owner”) filed a request for discretionary denial (Paper 10, “DD Req.”) in the above-captioned cases, and OnePlus Technology (Shenzhen) Co., Ltd. (“Petitioner”) filed an opposition (Paper 13, “DD Opp.”). With authorization, Petitioner filed a supplemental Brief (Paper 14), and Patent Owner filed a Reply (Paper 15).

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.

Some facts counsel against discretionary denial. In particular, the projected final written decision due date is October 17, 2026. DD Req. 5. The district court has vacated its previously scheduled trial date, and the time-to-trial statistics suggest trial would not begin until December 2026. DD Opp. 32; Paper 14, 1; Ex. 1034. As such, it is likely that a final written decision in this proceeding will issue before the district court trial occurs.

However, other considerations favor discretionary denial. In particular, the challenged patent has been in force over seven years, creating strong settled expectations for Patent Owner, and Petitioner does not provide any persuasive reasoning why an *inter partes* review is an appropriate use of Board resources. *Dabico Airport Sols. Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21 at 2–3 (Director June 18, 2025). In the absence of any such information, the Office is disinclined to disturb the strong settled expectations of Patent Owner. On balance, the circumstances in this case favor discretionary denial.

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

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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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FOR PETITIONER:

Zhiwei Zou  
Wenchong Shu  
BAYES PLLC  
wayne.zou@bayes.law  
wenchong.shu@bayes.law

FOR PATENT OWNER:

James Fussell  
Amanda Bonner  
Graham Buccigross  
Clark Bakewell  
MAYER BROWN LLP  
jfussell@mayerbrown.com  
astreff@mayerbrown.com  
gbuccigross@mayerbrown.com  
cbakewell@mayerbrown.com