

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

VERTIV CORPORATION,
Petitioner,

v.

VALTRUS INNOVATIONS LTD.,
Patent Owner.

IPR2025-00667 (Patent 6,854,287 B2)
IPR2025-00668 (Patent 6,718,277 B2)
IPR2025-00669 (Patent 6,862,179 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

IPR2025-00667 (Patent 6,854,287 B2)

IPR2025-00668 (Patent 6,718,277 B2)

IPR2025-00669 (Patent 6,862,179 B2)

Valtrus Innovations Ltd. (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned cases, and Vertiv Corporation (“Petitioner”) filed a corrected 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 in the Board proceedings is in October 2026. DD Req. 20. There are two parallel proceedings involving the challenged patent, one involving Petitioner and one involving Petitioner’s customers. DD Opp. 16. The scheduled trial dates are April 6, 2026 and June 22, 2026, respectively, and the time-to-trial statistics suggest the trials will begin between February 2026 and August 2026. *Id.* at 20–23. As such, it is unlikely that a final written decision in this proceeding will issue before district court trial occurs, resulting in significant duplication of effort, additional expense for the parties, and a risk of inconsistent decisions. Additionally, there is insufficient evidence that the district court is likely to stay its proceedings even if the Board were to institute trial. Furthermore, each of the challenged patents has been in force for approximately twenty years, creating strong settled expectations.

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 IPR2025-00667. The parties filed similar papers in IPR2025-00668 and IPR2025-00669.

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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 Petitions are *denied*, and no trial is instituted.

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