

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

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

v.

SMART RF INC.,
Patent Owner.

IPR2025-00612 (8,078,561 B2)
IPR2025-00691 (10,958,296 B2)
IPR2025-00692 (9,641,204 B2)
IPR2025-00727 (7,035,345 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

IPR2025-00612 (8,078,561 B2)
IPR2025-00691 (10,958,296 B2)
IPR2025-00692 (9,641,204 B2)
IPR2025-00727 (7,035,345 B2)

Smart RF, Inc. (“Patent Owner”) filed a request for discretionary denial (Paper 10, “DD Req.”) in the above-captioned cases, and T-Mobile USA, Inc., AT&T Mobility LLC, Cellco Partnership d/b/a/ Verizon Wireless, Ericsson Inc., and Nokia of America Corporation (collectively, “Petitioner”) filed an opposition (Paper 12, “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 in October 2026. DD Req. 17–18. The district court’s scheduled trial date is November 17, 2025, and the time-to-trial statistics suggest trial would begin between December 2025 and April 2026. *Id.* at 19–20; DD Opp. 9. As such, it is unlikely that a final written decision in these proceedings will issue before the 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. DD Req. 13–17. Furthermore, there has been meaningful investment in the parallel proceeding by the parties. *Id.* at 21–24. Also, the patents challenged in IPR2025-00612, IPR2025-00692, and IPR2025-00727 have been in force for approximately fourteen, eight, and nineteen years, respectively, creating strong settled expectations for Patent Owner.

¹ Citations are to papers in IPR2025-00612. The parties filed similar papers in IPR2025-00691, IPR2025-00692, and IPR2025-00727.

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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 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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