

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

GOOGLE LLC,
Petitioner,

v.

CELLULAR SOUTH, INC.,
Patent Owner.

IPR2025-00875 (Patent 9,940,972 B2)
IPR2025-00876 (Patent 10,218,954 B2)
IPR2025-00877 (Patent 11,126,853 B2)

Before KALYAN K. DESHPANDE,¹ *Acting Chief Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review in IPR2025-00875 and IPR2025-00876 and Referring the Petition to the Board in IPR2025-00877

¹ Coke Morgan Stewart, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office, is recused and took no part in this decision. See <https://www.uspto.gov/sites/default/files/documents/dsco-delegation.pdf>.

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Cellular South, Inc. (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned cases, and Google LLC (“Petitioner”) filed an opposition (Paper 7, “DD Opp.”).²

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in IPR2025-00875 and IPR2025-00876, but is not appropriate in IPR2025-00877. This determination is based on the totality of the evidence and arguments the parties have presented.

Some factors counsel against discretionary denial. For example, the projected final written decision due date is December 16, 2026. DD Req. 9–10. The district court trial is scheduled to begin March 15, 2027. *Id.* at 6; DD Opp. 4. As such, it is likely that a final written decision in this proceeding will issue before the district court trial occurs, reducing the risk of duplication of efforts and inconsistent outcomes. Additionally, the patent challenged in IPR2025-00877 has not been in force for a significant amount of time (issued in 2021). Early challenges favor robust, predictable patent rights and weigh against discretionary denial.

The patents challenged in IPR2025-00875 and IPR2025-00876 present different circumstances. In particular, these challenged patents have been in force for seven and six years, respectively, creating settled expectations for Patent Owner, and Petitioner does not provide persuasive reasoning why an *inter partes* review is an appropriate use of Board resources. *Dabico Airport Sols. Inc. v. AXA Power ApS*, IPR2025-00408,

² Citations are to papers in IPR2025-00875. The parties filed similar papers in IPR2025-00876 and IPR2025-00877.

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Paper 21 at 2–3 (Director June 18, 2025). In the absence of any such information, the Office is disinclined to disturb the settled expectations of Patent Owner.

Although certain arguments are highlighted above, the determinations in this Decision are based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petitions in IPR2025-00875 and IPR2025-00876 are denied under 35 U.S.C. § 314(a), and the Petition in IPR2025-00877 is referred to the Board to handle the case 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 requests for discretionary denial in IPR2025-00875 and IPR2025-00876 are *granted*;

FURTHER ORDERED that the Petitions in IPR2025-00875 and IPR2025-00876 are *denied*, and no trial is instituted;

FURTHER ORDERED that Patent Owner’s request for discretionary denial in IPR2025-00877 is *denied*;

FURTHER ORDERED that the Petition in IPR2025-00877 is referred to the Board; and

FURTHER ORDERED that neither party shall file a request for rehearing or Director Review of the decision to deny Patent Owner’s request for discretionary denial in IPR2025-00877 until the Board issues a decision on institution.

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