

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.

ADVANCED CODING TECHNOLOGIES LLC,
Patent Owner.

IPR2025-00998 (Patent 8,090,025 B2)
IPR2025-00999 (Patent 9,986,303 B2)
IPR2025-01000 (Patent 10,218,995 B2)

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

DECISION
Denying Institution of *Inter Partes* Review

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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Advanced Coding Technologies LLC (“Patent Owner”) filed a request for discretionary denial (Paper 7, “DD Req.”) in the above-captioned case, and Google LLC (“Petitioner”) filed an opposition (Paper 8, “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 this proceeding. 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 proceeding is December 11, 2026. DD Req. 6 n.1. The district court’s scheduled trial date is March 2, 2026, and the time-to-trial statistics suggest trial will begin between July 2026 and October 2026. *Id.* at 6–7; DD Opp. 45–48. 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.

In addition, the challenged patents have been in force for thirteen, seven, and six years, 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, Paper 21 at 2–3 (Director June 18, 2025). Additionally, Petitioner’s arguments that the Office made a material error during prosecution are not persuasive. *See* DD Opp. 29–38.

² Citations are to papers in IPR2025-00998. The parties filed similar papers in IPR2025-00999 and IPR2025-01000.

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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*;

FURTHER ORDERED that the Petitions are *denied*, and no trial is instituted.

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