

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

AMAZON.COM, INC., AMAZON.COM SERVICES LLC,
AMAZON WEB SERVICES, INC., and AUDIBLE, INC.,
Petitioner,

v.

AUDIO POD IP, LLC,
Patent Owner.

IPR2025-01003 (Patent 9,729,907 B2)
IPR2025-01041 (Patent 10,735,488 B2)

Before COKE MORGAN STEWART, *Deputy Under Secretary of
Commerce for Intellectual Property and Deputy Director of the United
States Patent and Trademark Office.*

DECISION
Denying Institution of *Inter Partes* Review

IPR2025-01003 (Patent 9,729,907 B2)
IPR2025-01041 (Patent 10,735,488 B2)

Audio Pod IP, LLC (“Patent Owner”) filed a request for discretionary denial (Paper 9, “DD Req.”) in the above-captioned cases, and Amazon.com, Inc., Amazon.com Services LLC, Amazon Web Services, Inc., and Audible, Inc. (collectively, “Petitioner”) filed an opposition (Paper 14, “DD Opp.”).¹ With authorization, Patent Owner filed a Reply (Paper 16) and Petitioner filed a Sur-reply (Paper 17).

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.

These proceedings present essentially the same discretionary considerations as those presented in IPR2025-00757, IPR2025-00765, IPR2025-00768, IPR2025-00769, IPR2025-00774, and IPR2025-00777. *See, e.g., Amazon.com, Inc. v. Audio Pod IP, LLC*, IPR2025-00757, Paper 15 (Director Aug. 14, 2025) (granting Patent Owner’s request for discretionary denial). Accordingly, that analysis is incorporated here. *Id.* at 2–3.

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 requests for discretionary denial are *granted*; and

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

¹ Citations are to papers in IPR2025-01003. The parties filed similar papers in IPR2025-01041.

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