

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

---

MICRON TECHNOLOGY, INC., and MICRON SEMICONDUCTOR  
PRODUCTS, INC.,  
Petitioner,

v.

PALISADE TECHNOLOGIES, LLP,  
Patent Owner.

---

IPR2025-01008 (Patent 8,327,051 B2)  
IPR2025-01009 (Patent 9,281,314 B1)

---

Before KALYAN K. DESHPANDE,<sup>1</sup> *Acting Chief Administrative  
Patent Judge.*

DECISION  
Denying Institution of *Inter Partes* Review

---

<sup>1</sup> 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/deshpande-delegation-letter.pdf>.

IPR2025-01008 (Patent 8,327,051 B2)

IPR2025-01009 (Patent 9,281,314 B1)

Palisade Technologies, LLP (“Patent Owner”) filed a request for discretionary denial (Paper 11, “DD Req.”) in the above-captioned cases, and Micron Technology, Inc. and Micron Semiconductor Products, Inc. (collectively, “Petitioner”) filed an opposition (Paper 13, “DD Opp.”).<sup>2</sup>

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.

Although the parties are engaged in a parallel proceeding involving the challenged patents, it is unclear whether a final written decision in these proceedings will issue after the district court trial occurs. The projected final written decision due date in the Board proceeding is December 16, 2026. DD Req. 7. The district court’s scheduled trial date is October 5, 2026, and the time-to-trial statistics that suggest trial could begin in July 2027. *Id.*; DD Opp. 14. As such, these considerations neither favor nor counsel against discretionary denial.

Some considerations, however, favor discretionary denial. In particular, the challenged patents have been in force for approximately twelve and nine 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

---

<sup>2</sup> Citations are to papers in IPR2025-01008. The parties filed similar papers in IPR2025-01009.

IPR2025-01008 (Patent 8,327,051 B2)

IPR2025-01009 (Patent 9,281,314 B1)

during prosecution are not persuasive. Under these circumstances, discretionary denial is appropriate.

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 requests for discretionary denial are *granted*; and

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

IPR2025-01008 (Patent 8,327,051 B2)

IPR2025-01009 (Patent 9,281,314 B1)

FOR PETITIONER:

John Kappos

Xin-Yi ZHOU

Ben Haber

William Fink

Rajesh Paul

O'MELVENY & MYERS LLP

jkappos@omm.com

vzhou@omm.com

bhaber@omm.com

tfink@omm.com

rpaul@omm.com

FOR PATENT OWNER:

David DeZern

Justin Kimble

NELSON BUMGARDNER CONROY P.C.

david@nelbum.com

justin@nelbum.com