

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

INTEL CORP., DELL INC., and DELL TECHNOLOGIES INC.,
Petitioner,

v.

GENERAL VIDEO, LLC,
Patent Owner.

IPR2025-01036 (Patent 9,036,010 B2)
IPR2025-01037 (Patent 9,843,786 B2)
IPR2025-01038 (Patent 7,359,437 B2)
IPR2025-01039 (Patent 7,359,437 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

IPR2025-01036 (Patent 9,036,010 B2)
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General Video, LLC (“Patent Owner”) filed a request for discretionary denial (Paper 8, “DD Req.”) in the above-captioned cases, and Intel Corp. (“Intel”), Dell Inc., and Dell Technologies Inc. (“Dell”) (collectively, “Petitioner”) filed an opposition (Paper 9, “DD Opp.”).¹ With authorization, Patent Owner filed a Reply (Paper 11, “DD Reply”) and Petitioner filed a Sur-reply (Paper 12, “DD Sur-reply”).

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.

Some considerations counsel against discretionary denial. In particular, the projected final written decision due date in the Board proceeding is December 23, 2026. DD Req. 12. Dell is involved in a parallel district court proceeding in the Western District of Texas addressing the challenged patents with a scheduled trial date of March 29, 2027. DD Sur-reply 5. As such, a final written decision will issue before that district court trial occurs, reducing the concern of inconsistent outcomes or significant duplication of efforts resulting from two proceedings operating in parallel. The challenged patents are also involved in a district court proceeding in the Eastern District of Texas with a scheduled trial date earlier than the projected final written decision due date in the Board proceeding. Intel and Dell, however, are not parties in that litigation, and it is unclear if the arguments presented in the Petition are the same or substantially the

¹ Citations are to papers in IPR2025-01036. The parties filed similar papers in IPR2025-01037, IPR2025-01038, and IPR2025-01039.

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same arguments as those that will be adjudicated in district court. *See* DD Req. 18–21.

Other considerations, however, favor discretionary denial. In particular, the challenged patents have been in force for approximately seven, ten, and seventeen years, creating strong settled expectations for Patent Owner, and Petitioner does not provide any 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); *Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12, 2–3 (Director June 26, 2025). Additionally, Dell appears to have been notified of the challenged patents in 2016, 2017, and 2021. *See, e.g.*, DD Req. 46–47; DD Reply 1–3. Accordingly, in the absence of sufficient explanation by Petitioner, Patent Owner’s strong settled expectations tip the balance in favor of discretionary denial.

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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