

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE  
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

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LIGHT & WONDER, INC.,  
Petitioner,

v.

EVOLUTION MALTA LIMITED,  
Patent Owner.

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IPR2025-01072 (Patent 11,011,014 B1)  
IPR2025-01073 (Patent 10,629,024 B1)  
IPR2025-01078 (Patent 11,756,371 B1)

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

DECISION  
Referring the Petitions to the Board

IPR2025-01072 (Patent 11,011,014 B1)  
IPR2025-01073 (Patent 10,629,024 B1)  
IPR2025-01078 (Patent 11,756,371 B1)

Evolution Malta Limited (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned cases, and Light & Wonder, Inc. (collectively “Petitioner”) filed an opposition (Paper 7, “DD Opp.”).<sup>1</sup>

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is not appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the challenged patents are the subject of a parallel proceeding in district court between Petitioner and Patent Owner. The district court previously granted a motion to dismiss without prejudice, concluding that the challenged patents are invalid as lacking eligibility under 35 U.S.C. § 101. DD Req. 31–33; Ex. 1022. Patent Owner filed an amended complaint and the district court stayed the proceeding and has not scheduled a trial date. DD Opp. 32. In contrast, the projected final written decision due date in the above-captioned cases is December 24, 2026. DD Opp. 32. As such, it is likely that a final written decision in these proceedings will issue before the district court trial occurs.

Additionally, the challenged patents have not been in force for a significant period of time (issued in 2020, 2021, and 2023). Accordingly, Patent Owner has not developed strong settled expectations that favor discretionary denial.

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<sup>1</sup> Citations are to papers in IPR2025-01072. The parties filed similar papers in IPR2025-01073 and IPR2025-01078.

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Although certain arguments are highlighted above, the determination not to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petitions are referred to the Board to handle the cases 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 request for discretionary denial is *denied*;

FURTHER ORDERED that the Petitions are referred to the Board;  
and

FURTHER ORDERED that neither party shall file a request for rehearing or Director Review of this decision until the Board issues a decision on institution.

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