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Paper 13
Date: June 25, 2025

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, SAMSUNG ELECTRONICS AMERICA, INC., and SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

TRUESIGHT COMMUNICATIONS LLC,
Patent Owner.

IPR2025-00024 (Patent 9,595,300 B2)
IPR2025-00025 (Patent 8,949,879 B2)

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

DECISION
Granting Patent Owner's Request for Discretionary Denial and Denying Institution of *Inter Partes* Review

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[1] Coke Morgan Stewart, Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office, is recused and took no part in this decision. The Acting Director has delegated her authority in a Notice of Delegation. *See* https://www.uspto.gov/sites/default/files/documents/deshpande-delegation-letter.pdf.

Truesight Communications LLC ("Patent Owner") filed a request for discretionary denial (Paper 8, "DD Req.") in the above-captioned cases, and Google LLC, Samsung Electronics America, Inc., and Samsung Electronics Co., Ltd. (collectively "Petitioner") filed an opposition (Paper 10, "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 these proceedings. 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 in July 2026. DD Req. 6. The district court's scheduled trial date is October 6, 2025. *Id.*; Ex. 2001. As such, it is unlikely that a final written decision in this proceeding will issue before district court trial occurs. Additionally, there is insufficient evidence the district court is likely to stay its proceeding even if the Board were to institute trial. Furthermore, the parties have made meaningful investment in the district court proceeding. DD Req. 8. For example, the parties have exchanged infringement and invalidity contentions and a *Markman* hearing and completion of fact and expert discovery are scheduled to occur before the due date for an institution decision. *Id.*

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 petition is denied under 35 U.S.C. § 314(a).

[2] Citations are to papers in IPR2025-00024. The parties filed similar papers in IPR2025-00025.

In consideration of the foregoing, it is:

ORDERED that Patent Owner's request for discretionary denial is *granted*; and

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

IPR2025-00024 (Patent 9,595,300 B2)
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