

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CROWDSTRIKE, INC.,
Petitioner,

v.

GOSECURE, INC.,
Patent Owner.

IPR2025-00068
Patent 9,954,872 B2

Before NEIL T. POWELL, STACEY G. WHITE, and
GARTH D. BAER, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review on Remand
35 U.S.C. § 314

I. DISCUSSION

In this proceeding, CrowdStrike, Inc. (“Petitioner”) filed a Petition for *inter partes* review of claims 1–21 of U.S. Patent No. 9,954,872 B2 (Ex. 1001, “the ’872 patent”). Paper 1 (“Pet.”). In IPR2025-00070, Petitioner filed another petition seeking *inter partes* review of claims 1–21 of the ’872 patent. IPR2025-00070, Paper 1 (“70 Petition”). In the 70 Petition, Petitioner advocated for and applied one construction of the ’872 patent claims’ recitation of “association.” Pet. 4–8, 13–74; Paper 3, 2. In this proceeding, Petitioner addressed the possibility of an alternative, narrower construction of “association,” arguing that, even under such a narrower construction, claims 1–21 of the ’872 patent are unpatentable. Pet. 4–7, 18–79; Paper 3, 2. Petitioner argued that it needed two petitions to challenge the ’872 patent’s claims, due in part to the possibility of different constructions of “association.” Paper 3, 3. We instituted *inter partes* review in this proceeding and in IPR2025-00070. Paper 13 (“Institution Decision”); IPR2025-00070, Paper 15 (“70 Institution Decision”).

GoSecure, Inc. (“Patent Owner”) then filed a Request for Director Review, arguing that Petitioner did not need two petitions to challenge the ’872 patent’s claims. Paper 18. Acting Director Coke Morgan Stewart granted Director Review. Paper 25 (“Director Review Decision” or “DR Dec.”); IPR2025-00070, Paper 25.

The Director Review Decision determined that we should not have instituted *inter partes* review in both proceedings. DR 1. Instead, we “should have construed [‘association’] and instituted review of, at most, one of the petitions.” *Id.* at 3. Given this, the Director Review Decision vacated this proceeding’s Institution Decision and the 70 Institution Decision, remanding “to the Board panel to determine which of the two proceedings, if

any, to institute.” DR Dec. 4. Authorizing the parties to brief “how the Board should construe the term ‘association,’” the Director Review Decision instructed us to “consider the parties’ claim construction arguments in making [our] determination.” *Id.* at 4.

As we explain in a concurrently issued decision in IPR2025-00070, the parties have persuaded us that the correct construction of the ’872 patent claims’ recitation of “association” is the construction advanced and applied in the 70 Petition, not the narrower, possible construction addressed in this proceeding’s Petition. IPR2025-00070, Paper 28. Accordingly, we deny institution of *inter partes* review in this proceeding.

II. ORDER

It is:

ORDERED that, pursuant to 35 U.S.C. § 314(a), the petitioned institution of *inter partes* review of the ’872 patent is *denied*.

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