

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

PROXENSE, LLC,
Patent Owner.

IPR2025-00074
Patent 9,679,289 B1

Before THU A. DANG, DAVID C. McKONE, and
NORMAN H. BEAMER *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

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

Apple Inc. (“Petitioner”) filed a Petition for *inter partes* review of claims 1–20 of U.S. Patent No. 9,679,289 B1 (“the ’289 patent”) (Paper 2), along with a Notice Ranking Petitions (“Notice”) (Paper 3). Petitioner contends that the Petition is “substantively identical to the petition in *Microsoft Corp. v Proxense, LLC*, IPR2024-00407 (‘the Microsoft IPR’).” Notice 1. Petitioner also acknowledges that it is concurrently filing another petition for *inter partes* review of claims 1–20 of the ’289 patent in IPR2025-00075 (“the 0075 IPR”), in which it also “seeks to join *Google LLC v Proxense, LLC*, IPR2024-00783 (‘the Google IPR’).” *Id.* On January 16, 2025, the Board instituted an *inter partes* review of the ’289 patent in the 0075 IPR and granted the Motion for Joinder to the Google IPR. *See* IPR2025-00075, Paper 7. That is, we have not declined to institute Petitioner’s petition in the 0075 IPR. *Id.*

Here, Petitioner acknowledges that it “has two concurrent petitions challenging the validity of the same patent,” i.e., the current Petition and the petition in the 0075 IPR. Notice 1. Although Petitioner provides “a ranking of the petitions in the order in which it wishes the Board to consider the merits” and “a succinct explanation of the differences” (*id.*), according to Petitioner, “[s]hould the Board decide to institute only a single petition and grant only a single motion for joinder against the ’289 patent, Petitioner requests that the Board institute Petitioner’s petition in the 0075 IPR and grant its Motion for Joinder in the Google IPR if the Board institutes that proceeding.” *Id.* Since, as discussed above, the Board has instituted an *inter partes* review of the ’289 patent in IPR2025-00075 and granted the Motion for Joinder to the Google IPR, we deny the Petition in the current IPR.

ORDER

In consideration of the foregoing, it is hereby

ORDERED that pursuant to 35 U.S.C. § 314(a), an *inter partes* review is denied as to claims 1–20 of the '289 patent in this proceeding.

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Patent 9,679,289 B1

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