

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHOPIFY INC.,
Petitioner,

v.

DKR CONSULTING LLC,
Patent Owner.

IPR2025-00130 (Patent 11,455,678 B2)
IPR2025-00131 (Patent 10,846,785 B2)
IPR2025-00132 (Patent 11,157,995 B2)
IPR2025-00133 (Patent 11,488,237 B2)

Before MIRIAM L. QUINN, ROBERT L. KINDER, and
BRIAN P. MURPHY, Administrative Patent Judges.

PER CURIAM

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

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On May 7, 2025, the Acting Director of the USPTO designated *Hulu, LLC v. Piranha Media Distribution, LLC*, an informative decision.

IPR2024-01252, IPR2024-01253, Paper 27 (Stewart Apr. 17, 2025) (Director Review) (informative). The decision held that when a district court has already found all of the challenged claims of a patent invalid under 35 U.S.C. §101, the efficiency and integrity of the patent system is best served by denying institution.

In the proceedings before us, each Petition¹ identifies parallel district court litigation wherein a Motion to Dismiss was granted finding the claims of the above-captioned patents ineligible under 35 U.S.C § 101. *See* Ex. 1025, 10, 14; *DKR Consulting LLC v. Shopify, Inc.*, Case No. 2:23-cv-6904 (C.D. Cal.); *see also* Exhibit 3001 (district court judgment stating “[p]ursuant to this Court’s Order Granting Defendant’s Motion to Dismiss, it is ordered that judgment is entered on all claims in favor of Defendant Shopify, Inc.”).

In view of the order and judgment entered in district court invalidating the claims of each disputed patent pursuant to § 101, it is our intention to follow the new informative *Hulu* decision (Paper 27) and deny each Petition, unless Petitioner can show cause why each Petition should not be denied.

Accordingly, it is hereby:

ORDERED that, in each of the above-captioned proceedings, Petitioner shall file, within 5 days and limited to 7 pages, a paper to show

¹ We refer to the papers and exhibits in IPR2025-00130. Similar documents were filed in IPR2025-00131, IPR2025-00132, and IPR2025-00133. This Order applies equally to all captioned proceedings.

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cause why the Petition should not be denied under *Hulu*; and, Petitioner shall also advise whether all challenged claims of each Patent are subject to the district court's Order (Ex. 1025) and Judgment (Ex. 3001).

FURTHER ORDERED that, in each of the above-captioned proceedings, Patent Owner, DKR Consulting LLC, may file a response to the paper filed by Petitioner pursuant to this Order within 5 days after its filing and limited to 7 pages.

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