

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

SPORTRADAR AG,
Petitioner,

v.

SPORTSCASTR INC.
(d/b/a PANDA INTERACTIVE),
Patent Owner.

IPR2025-00265 (Patent 10,425,697 B2)
IPR2025-00266 (Patent 10,425,697 B2)
IPR2025-00268 (Patent 10,805,687 B2)
IPR2025-00269 (Patent 10,805,687 B2)
IPR2025-00273 (Patent 11,039,218 B2)
IPR2025-00275 (Patent 11,039,218 B2)

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

DECISION

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

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SportsCastr Inc. (d/b/a PANDA Interactive) (“Patent Owner”) filed a request for discretionary denial of institution (Paper 12, “DD Req.”) in the above-captioned cases, and Sportradar AG (“Petitioner”) filed an opposition (Paper 17, “DD Opp.”).¹

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.

Petitioner filed the Petition and an accompanying motion for joinder to IPR2024-01308, a proceeding that the Board instituted on March 6, 2025. *Genius Sports Ltd. v. SportsCastr Inc. (d/b/a PANDA Interactive)*, IPR2024-01308, Paper 9 at 61 (PTAB Mar. 6, 2025).² The Board first determines whether to institute a proceeding before considering a motion for joinder. 35 U.S.C. § 315(c). Accordingly, discretionary considerations are first reviewed for the Petition on its own, and then reviewed if joinder were to be granted.

First, the projected final written decision due date in this Board proceeding is July 8, 2026. DD Opp. 13 n.5. The district court’s scheduled

¹ Citations are to papers in IPR2025-00265. The parties filed similar papers in IPR2025-00266, IPR2025-00268, IPR2025-00269, IPR2025-00273, and IPR2025-00275.

² In IPR2025-00266, Petitioner filed a motion for joinder to IPR2024-01309. In IPR2025-00268, Petitioner filed a motion for joinder to IPR2024-01305. In IPR2025-00269, Petitioner filed a motion for joinder to IPR2024-01307. In IPR2025-00273, Petitioner filed a motion for joinder to IPR2024-01310. In IPR2025-00275, Petitioner filed a motion for joinder to IPR2024-01311.

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trial date is January 23, 2026. *Id.* As such, it is unlikely that a final written decision will issue before the district court trial occurs. Furthermore, the parties have made meaningful investment in the district court proceeding. For example, a *Markman* hearing was held on May 9, 2025, and fact discovery is scheduled to close in August 2025. *Id.* at 13; DD Req.

6. Additionally, there is insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial. DD Opp. 6–

7. These considerations favor discretionary denial.

Second, review of the facts as if joinder were to be granted also favors discretionary denial. The projected final written decision due date for IPR2024-01308, the proceeding that Petitioner seeks to join, is March 6, 2026. *Id.* at 8.³ Therefore, even if joinder were granted, it is unlikely that a final written decision will issue before the district court trial occurs.

Petitioner argues that the Petition is identical to the petition in IPR2024-01308 and joining that proceeding will not impose additional burdens on the Board. DD Opp. 1, 8. However, if the petitioner in IPR2024-01308 settles or is otherwise no longer involved in that proceeding, the Office would have to maintain a proceeding that it would not have instituted with respect to the Petitioners here, even if they would have filed their Petition at the same time as the petitioner in IPR2024-01308.

³ The projected final written decision due date in IPR2024-01309 is March 6, 2026. The projected final written decision due date in IPR2024-01305 and IPR2024-01307 is March 13, 2026. The projected final written decision due date in IPR2024-01310 and IPR2024-01311 is March 17, 2026. These minor differences in due dates do not materially affect the outcome here.

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Petitioner also has not identified any other benefits that outweigh the other discretionary considerations. Accordingly, discretionary denial of the Petition is appropriate.

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).

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.

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