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Paper 18
Date: July 16, 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

SPORTRADAR AG,
Petitioner,

v.

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

IPR2025-00313 (Patent 10,425,697 B2)
IPR2025-00314 (Patent 10,425,697 B2)
IPR2025-00315 (Patent 10,805,687 B2)
IPR2025-00316 (Patent 10,805,687 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
Denying Institution of *Inter Partes* Review

SportsCastr Inc. (d/b/a PANDA Interactive) ("Patent Owner") filed a request for discretionary denial of institution (Paper 10, "DD Req.") in the above-captioned cases, and Sportradar AG ("Petitioner") filed an opposition (Paper 16, "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.

In particular, the projected final written decision due date in the Board proceeding is August 20, 2026. *See* DD Req. 6. The district court's scheduled trial date is January 23, 2026. *Id.* at 5. As such, it is unlikely that final written decisions in these proceedings 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 6–7. There is also insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial. *See* DD Opp. 7–8. Additionally, for IPR2025-00313 and IPR2025-00314, the challenged claims are no longer asserted in the parallel litigation. *Id*. at 3–4. Under these circumstances, it is an inefficient use of Board resources to review claims of a patent that are no longer being asserted in district court. These considerations favor discretionary denial.

[1] Citations are to papers in IPR2025-00313. The parties filed similar papers in IPR2025-00314, IPR2025-00315, and IPR2025-00316.

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 no trial is instituted.

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