

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

GOOGLE LLC,
Petitioner,

v.

SOUNDCLEAR TECHNOLOGIES LLC,
Patent Owner.

IPR2025-00344 (Patent 9,070,374 B2)
IPR2025-00345 (Patent 9,031,259 B2)

Before KALYAN K. DESHPANDE,¹ *Acting Deputy Chief Administrative
Patent Judge.*

DECISION
Denying Institution of *Inter Partes* Review

¹ Coke Morgan Stewart, Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office, is recused and took no part in this decision. The Acting Director has delegated her authority in a Notice of Delegation. See <https://www.uspto.gov/sites/default/files/documents/deshpande-delegation-letter.pdf>.

SoundClear Technologies LLC (“Patent Owner”) filed a request for discretionary denial (Paper 5, “DD Req.”) in the above-captioned cases, and Google LLC (“Petitioner”) filed an opposition (Paper 9, “DD Opp.”).² With authorization, Patent Owner filed a reply (Paper 11, “DD Reply”) and Petitioner filed a sur-reply (Paper 13, “DD Sur-reply”).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

Some considerations counsel against discretionary denial. For example, the parallel district court proceeding involving Patent Owner and Petitioner has been stayed.

However, other considerations favor discretionary denial. For example, both challenged patents have been in force for approximately ten years, creating strong settled expectations for Patent Owner, and Petitioner does not provide persuasive reasoning why an *inter partes* review is an appropriate use of Board resources. *Dabico Airport Sols. Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21 at 2–3 (Director June 18, 2025). Petitioner’s argument that Patent Owner does not have strong settled expectations because the patent was not “commercialized, asserted, marked, licensed, or otherwise applied in a petitioner’s particular technology space,” without more, does not defeat Patent Owner’s strong settled expectations. DD Sur-reply 1 (quoting *Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12, 2–3 (Director June 26, 2025)). This is particularly true considering that

² Citations are to papers in IPR2025-00344. The parties filed similar papers in IPR2025-00345.

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Petitioner had knowledge of the challenged patents as early as 2019. *See* DD Reply 1–2; DD Sur-reply 3. Accordingly, in the absence of sufficient explanation by Petitioner, Patent Owner’s strong settled expectations tip the balance in favor of discretionary denial.

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 Petitions are 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 Petitions are *denied*, and no trial is instituted.

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