

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAP AMERICA, INC. AND SAP SE
Petitioners,

v.

VALTRUS INNOVATIONS LTD. AND KEY PATENT INNOVATIONS LTD.
Patent Owner.

Case No. IPR2025-0419
U.S. Patent No. 7,936,738

PETITIONER'S MOTION TO TERMINATE *INTER PARTES* REVIEW

I. Introduction

The Board authorized Petitioners SAP America, Inc. and SAP SE (“SAP”) to file a motion to withdraw its IPR petition and terminate IPR2025-00419 regarding U.S. Patent No. 7,936,738 (“the ’738 patent”) on June 23, 2025. SAP now so moves. SAP requests the Board to dismiss this IPR petition and terminate IPR2025-00419 to preserve the Board’s and parties’ resources and to achieve a just, speedy, and inexpensive resolution to this dispute.

II. Background and Procedural History

Valtrus has asserted the ’738 Patent in litigation against SAP in *Valtrus Innovations Ltd. v. SAP America, Inc. et al.*, 2:24-cv-00021-JRG (E.D. Tex.) (filed January 15, 2024); Patent Owners have also asserted the ’738 Patent in litigation against SAP in *Valtrus Innovations Ltd. v. SAP America, Inc. et al.*, 2:24-cv-00533 (E.D. Tex.) (filed July 12, 2024); and SAP filed a declaratory judgment action of non-infringement of the ’738 Patent against Patent Owners and Patent Platform Services, LLC in *SAP America, Inc. v. Valtrus Innovations Limited et al.*, 1:24-cv-00756-GBW (D. Del.) (filed June 26, 2024). SAP was served with the January complaint on January 17, 2024. *Valtrus Innovations Ltd. v. SAP America, Inc. et al.*, 2:24-cv-00021-JRG, Dkt. 7 (E.D. Tex. Jan. 22, 2024).

SAP filed a petition requesting *inter partes* review of the ’738 patent on January 15, 2025. Paper 1. Patent Owner filed a brief requesting discretionary

denial on May 9, 2025. Paper 7. SAP filed a reply brief regarding discretionary denial on June 9, 2025. Paper 8. Patent Owner filed its preliminary response on June 10, 2025. The Director and the Board have not yet reached a decision on SAP's petition or Patent Owner's request for discretionary denial.

The parties have not reached a settlement agreement regarding this, or any other, patent.

III. Argument

Good cause exists to dismiss SAP's IPR petition and terminate IPR2025-00419. Termination would preserve the Board's and the parties' resources, and would expeditiously resolve SAP's request, furthering the purpose of IPR challenges. 37 C.F.R. § 42.1(b). IPR2025-00419 is in its preliminary stage as the Director and the Board have not yet reached a decision on SAP's petition or Patent Owner's request for discretionary denial. Patent Owner would not be prejudiced by termination and Patent Owner does not oppose the motion.

The Board "may terminate a trial without rendering a final written decision, where appropriate." 37 C.F.R. § 42.72. The Rules governing IPR proceedings "shall be construed to secure the just, speedy, and inexpensive resolution of every proceeding." 37 C.F.R. § 42.1(b). In determining whether a termination request is "appropriate," the Board has looked primarily to the stage of the proceedings when a request is made, and has granted pre-institution termination when the

proceedings are in the preliminary phase prior to institution. *See, e.g., Samsung Electronics Co., Ltd. v. Nvidia Corp.*, IPR2015-01270, Paper 11 at 2 (Dec. 9, 2015) (granting opposed motions to terminate because the proceedings were in their preliminary phase and the Board has not yet reached a decision on institution).

This proceeding is in its preliminary stage, well before a decision on institution is due, and termination is proper. Such termination would further the purpose of the rules by justly and expeditiously resolving this dispute without subjecting the Board and the parties to unnecessary expense involved in taking IPR2025-00419 through trial. Termination is also a just resolution, as Patent Owner will not be prejudiced, but rather will reap the benefit of preserving its own resources. Terminating IPR2025-00419 will also not affect the parallel district court action as other non-overlapping invalidity grounds are at issue in that case. And, finally, because SAP was served with a complaint asserting infringement of the '738 patent more than a year ago, there is no risk that SAP will bring a subsequent petition on the '738 patent to the Board.

IV. Conclusion

The Board should dismiss the IPR petition and terminate IPR2025-00419.

Dated: June 25, 2025

Respectfully submitted,

/ Louis L. Campbell /

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CERTIFICATE OF SERVICE

Under 37 C.F.R. §§ 42.6(e), this is to certify that on June 25, 2025, I caused to be served a true and correct copy of the foregoing “**PETIONER’S MOTION TO TERMINATE *INTER PARTES* REVIEW**” through the Patent Trial and Appeal Case Tracking System and electronic mail on the email address rj_valtrus-sap@reichmanjorgensen.com the noted in Patent Owner’s Mandatory Notices as well as following counsel for Patent Owner listed in Patent Owner’s Mandatory Notices:

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