

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC.,
Petitioner,

v.

VIRTAMOVE, CORP.,
Patent Owner.

Case No. IPR2025-00561
Patent No. 7,784,058

**PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL OF
INSTITUTION**

The Board has indicated that “Parties are encouraged to address any factor or circumstance they believe bears on whether the Office should or should not institute trial, including reasons not discussed in current Board precedent or the Process Memorandum.” FAQs for Interim Processes for PTAB Workload Management, <https://www.uspto.gov/patents/ptab/faqs>, at numbered item 20. Patent Owner respectfully requests that institution be denied on the basis of numerous pending parallel proceedings challenging validity of the ’058 patent.

Specifically, between Amazon and Google, there are three separate IPR Petitions¹ filed challenging the independent claims of the ’058 patent, presenting five distinct grounds involving seven different explicitly identified references. In addition, Unified Patents (presumably on behalf of large technology companies like Amazon and Google) has requested *ex parte* reexamination of the ’058 patent. *See* Ex. 1032 (instituting the reexamination).

Here, the Board should exercise its discretion because of the extraordinary power imbalance between tech giants Amazon and Google on the one hand, and relatively small Patent Owner VirtaMove on the other hand.² Given the nature of the

¹ This Petition, as well as IPR2025-00489 and IPR2025-00490, both filed by Google.

² *See* <https://getlatka.com/companies/virtamove> (describing “[h]ow VirtaMove hit \$4.3M revenue with a 9 person team in 2024”).

seemingly coordinated attack on the validity of the '058 patent (involving Amazon, Google, and Unified Patents), the Board should exercise its discretion to avoid institution of any of the three parallel petitions filed by Amazon and Google. And if any are instituted, Patent Owner respectfully requests that institution be limited to at most one petition so that Board and party resources may be saved, furthering the purpose of the *inter partes* review proceeding as a streamlined and efficient alternative to district court litigation.

Furthermore, both Amazon and Google's interests can be represented by a single Petition challenging validity (and VirtaMove stipulates it would not oppose a motion for joinder if only one of the petitions is granted).

Date: May 12, 2025

Respectfully submitted,

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CERTIFICATION REGARDING WORD COUNT

Pursuant to 37 C.F.R. §42.24(d), Patent Owner certifies that there are 316 words in the paper excluding the portions exempted under 37 C.F.R. §42.24(a)(1).

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the above document was served on April May 12, 2025 by filing this document through the Patent Trial and Appeal Case Tracking System (PTACTS) as well as delivering a copy via electronic mail upon the following attorneys of record for Petitioner:

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