

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

AMAZON.COM, INC.,
AMAZON.COM SERVICES LLC, and
AMAZON WEB SERVICES, INC.,
Petitioner,

v.

SOUNDCLEAR TECHNOLOGIES LLC,
Patent Owner.

IPR2025-00565
Patent 11,069,337 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
Referring the Petition to the Board

SoundClear Technologies LLC (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned case, and Amazon.com, Inc., Amazon.com Services LLC, and Amazon Web Services, Inc. (collectively “Petitioner”) filed an opposition (Paper 7, “DD Opp.”).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is not appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the parallel litigation between Patent Owner and Petitioner has been stayed pending the *inter partes* review. DD Req. 5. Furthermore, Petitioner persuasively demonstrates that denial under 35 U.S.C. § 325(d) is inappropriate. Although Patent Owner identifies that some of the prior art relied on in the Petition was previously presented to the Office, Petitioner persuasively argues that the Office erred in a manner material to the patentability of the challenged claims with respect to the previously presented prior art. DD Req. 46–52; DD Opp. 34–37. Additionally, the challenged patent has not been in force for a significant period of time (issued in 2021). Accordingly, Patent Owner has not developed strong settled expectations that favor discretionary denial. On balance, these circumstances do not warrant discretionary denial.

Although certain arguments are highlighted above, the determination not to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is referred to the Board to handle the case in the normal course, including by issuing a decision on institution addressing the merits and other non-discretionary considerations, as appropriate.

In consideration of the foregoing, it is:

ORDERED that Patent Owner's request for discretionary denial is
denied;

FURTHER ORDERED that the Petition is referred to the Board; and

FURTHER ORDERED that neither party shall file a request for
rehearing or Director Review of this decision until the Board issues a
decision on institution.

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