

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

TANKLOGIX, LLC,
Petitioner,

v.

SITEPRO, INC.,
Patent Owner.

IPR2025-00647 (Patent 9,898,014 B2)
IPR2025-00648 (Patent 8,649,909 B1)
IPR2025-00649 (Patent 9,342,078 B2)
IPR2025-00650 (Patent 10,488,871 B2)
IPR2025-00651 (Patent 11,175,680 B2)
IPR2025-00652 (Patent 11,294,403 B2)
IPR2025-00653 (Patent 11,726,504 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 in IPR2025-00647, IPR2025-00648, and IPR2025-00649 and Referring the Petitions in IPR2025-00650, IPR2025-00651, IPR2025-00652, and IPR2025-00653 to the Board

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SitePro, Inc. (“Patent Owner”) filed a request for discretionary denial (Paper 7, “DD Req.”) in the above-captioned cases, and TankLogix, LLC (“Petitioner”) filed an opposition (Paper 8, “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 IPR2025-00647, IPR2025-00648, and IPR2025-00649, but is not appropriate in IPR2025-00650, IPR2025-00651, IPR2025-00652, and IPR2025-00653. This determination is based on the totality of the evidence and arguments the parties have presented.

Some factors counsel against discretionary denial. For example, the projected final written decision due date is October 16, 2026. DD Req. 3. The district court trial is scheduled to occur October 26, 2026 and time-to-trial statistics suggest trial would begin in September 2027. *Id.* at 4–5; DD Opp. 7–8. As such, it is likely that a final written decision in this proceeding will issue before the district court trial occurs, reducing the chances of duplication of efforts and inconsistent outcomes.

Additionally, the patents challenged in IPR2025-00650, IPR2025-00651, IPR2025-00652, and IPR2025-00653 have not been in force for a significant amount of time (issued in 2019, 2021, 2022, and 2023, respectively). Accordingly, Patent Owner has not developed strong settled

¹ Citations are to papers in IPR2025-00647. The parties filed similar papers in IPR2025-00648, IPR2025-00649, IPR2025-00650, IPR2025-00651, IPR2025-00652, and IPR2025-00653.

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expectations that favor discretionary denial. Furthermore, early challenges favor robust, predictable patent rights and weigh against discretionary denial.

The patents challenged in IPR2025-00647, IPR2025-00648, and IPR2025-00649 present different circumstances. In particular, the challenged patents have been in force for seven, eleven, and nine years, respectively, 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). In the absence of any such information, the Office is disinclined to disturb the strong settled expectations of Patent Owner.

Although certain arguments are highlighted above, the determinations in this Decision are based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petitions in IPR2025-00647, IPR2025-00648, and IPR2025-00649 are denied under 35 U.S.C. § 314(a), and the Petitions in IPR2025-00650, IPR2025-00651, IPR2025-00652, and IPR2025-00653 are referred to the Board to handle these cases 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 requests for discretionary denial in IPR2025-00647, IPR2025-00648, and IPR2025-00649 are *granted*;

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FURTHER ORDERED that the Petitions in IPR2025-00647, IPR2025-00648, and IPR2025-00649 are *denied*, and no trial is instituted;

FURTHER ORDERED that Patent Owner's requests for discretionary denial in IPR2025-00650, IPR2025-00651, IPR2025-00652, and IPR2025-00653 are *denied*;

FURTHER ORDERED that the Petitions in IPR2025-00650, IPR2025-00651, IPR2025-00652, and IPR2025-00653 are referred to the Board; and

FURTHER ORDERED that neither party shall file a request for rehearing or Director Review of the decision to deny Patent Owner's request for discretionary denial in IPR2025-00650, IPR2025-00651, IPR2025-00652, and IPR2025-00653 until the Board issues a decision on institution.

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FOR PETITIONER:

Robert Katz
KATZ PLLC
rkatz@katzfirm.com

Gregory Gonsalves
LAW OFFICE OF DR. GREGORY J. GONSALVES
gregoryjosephgonsalves@gmail.com

FOR PATENT OWNER:

Babak Tehranchi
Marvin Tyler
Fareid Asphahani
Matthew Lutz
PERKINS COIE LLP
tehranchi-ptab@perkinscoie.com
tyler-ptab@perkinscoie.com
asphahani-ptab@perkinscoie.com
lutz-ptab@perkinscoie.com