

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

SMARTSKY NETWORKS LLC,
Petitioner,

v.

GOGO BUSINESS AVIATION LLC,
Patent Owner.

IPR2025-00672
Patent 9,954,600 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

Gogo Business Aviation LLC (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned case, and SmartSky Networks LLC (“Petitioner”) filed an opposition (Paper 8, “DD Opp.”). With authorization, Patent Owner filed a Reply (Paper 9).

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 factors weigh against discretionary denial. For example, the projected final written decision due date for this proceeding is October 14, 2026. DD Opp. 4–5. The district court’s scheduled trial date is March 8, 2027. *Id.* at 5. As such, a final written decision is likely to issue before the district court trial occurs, reducing the chances of duplication of efforts and inconsistent outcomes.

Other factors, however, favor discretionary denial. In particular, the challenged patent has been in force for seven years, creating strong settled expectations, and Petitioner does not provide any persuasive reasoning why an *inter partes* review is an appropriate use of Board resources under these circumstances. *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 determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is 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 Petition is *denied*, and no trial is instituted.

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