

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

ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD.,
Petitioner,

v.

PANTECH CORPORATION,
Patent Owner.

IPR2025-00762 (Patent 10,863,573 B2)
IPR2025-00783 (Patent 9,288,824 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 IPR2025-00783 and
Referring the Petition to the Board in IPR2025-00762

IPR2025-00762 (Patent 10,863,573 B2)

IPR2025-00783 (Patent 9,288,824 B2)

Pantech Corporation (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned cases, and OnePlus Technology (Shenzhen) Co., Ltd. (“Petitioner”) filed an opposition (Paper 7, “DD Opp.”).¹ In IPR2025-00783, Patent Owner filed a Reply (Paper 10), and Petitioner filed a Sur-reply (Paper 11).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in IPR2025-00783, but is not appropriate in IPR2025-00762. This determination is based on the totality of the evidence and arguments the parties have presented.

Some factors counsel against discretionary denial. For example, no trial date has been set in the parallel proceeding involving the parties and challenged patents in district court. Ex. 2004; Ex. 2005. As such, it is likely that a final written decision in this proceeding will issue before the district court trial occurs. Additionally, the patent challenged in IPR2025-00762 has not been in force for a significant amount of time (issued in 2020). Early challenges favor robust, predictable patent rights and weigh against discretionary denial.

The patent challenged in IPR2025-00783 presents different circumstances. In particular, the challenged patent has been in force for nine years, 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

¹ Citations are to papers in IPR2025-00762. The parties filed similar papers in IPR2025-00783.

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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 Petition in IPR2025-00783 is denied under 35 U.S.C. § 314(a), and the Petition in IPR2025-00762 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 in IPR2025-00783 is *granted*;

FURTHER ORDERED that the Petition in IPR2025-00783 is *denied*, and no trial is instituted;

FURTHER ORDERED that Patent Owner's request for discretionary denial in IPR2025-00762 is *denied*;

FURTHER ORDERED that the Petition in IPR2025-00762 is 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 IPR2025-00762 until the Board issues a decision on institution.

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