

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

GOOGLE LLC,
Petitioner,

v.

SANDPIPER CDN, LLC,
Patent Owner.

IPR2025-00846 (Patent 8,595,778 B2)
IPR2025-00952 (Patent 8,719,886 B2)

Before KALYAN K. DESHPANDE,¹ *Acting Chief Administrative
Patent Judge.*

DECISION
Denying Institution of *Inter Partes* Review

¹ Coke Morgan Stewart, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office, is recused and took no part in this decision. *See* <https://www.uspto.gov/sites/default/files/documents/dsco-delegation.pdf>.

Sandpiper CDN, LLC (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned cases, and Google LLC (“Petitioner”) filed an opposition (Paper 8, “DD Opp.”).²

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the challenged patents are the subject of a parallel proceeding in district court between Petitioner and Patent Owner. In that proceeding, the district court has entered judgment that the claims challenged in these proceedings are invalid under 35 U.S.C. § 101. DD Req. 9; Ex. 2007. Because the challenged claims have already been found to be invalid under § 101, it is not an efficient use of Board resources to review them for patentability under other grounds. *See Hulu, LLC v. Piranha Media Distribution, LLC*, IPR2024-01252, Paper 27 (Director Apr. 17, 2025) (informative).

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 Petitions are denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

ORDERED that Patent Owner’s requests for discretionary denial are *granted*;

² Citations are to papers in IPR2025-00846. The parties filed similar papers in IPR2025-00952.

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FURTHER ORDERED that the Petitions are *denied*, and no trial is instituted.

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