

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

SAMSUNG ELECTRONICS CO. LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

VB ASSETS, LLC,
Patent Owner.

IPR2025-00866 (Patent 8,073,681 B2)
IPR2025-00867 (Patent 7,818,176 B2)
IPR2025-00868 (Patent 8,515,765 B2)
IPR2025-00869 (Patent 8,886,536 B2)

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

DECISION
Denying Institution of *Inter Partes* Review

¹ Coke Morgan Stewart, Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office, is recused and took no part in this decision. The Acting Director has delegated her authority in a Notice of Delegation. See <https://www.uspto.gov/sites/default/files/documents/deshpande-delegation-letter.pdf>.

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VB Assets, LLC (“Patent Owner”) filed a request for discretionary denial (Paper 8, “DD Req.”) in the above-captioned cases, and Samsung Electronics Co. Ltd and Samsung Electronics America, Inc. (collectively, “Petitioner”) filed an opposition (Paper 10, “DD Opp.”).² With authorization, Patent Owner filed a Reply (Paper 11), and Petitioner filed a Sur-reply (Paper 12).

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.

Although the parties are engaged in a parallel proceeding involving the challenged patent, it is unclear whether a final written decision in these proceedings will issue after the district court trial occurs. The projected final written decision due date in these proceedings is November 20, 2026. *See* DD Req. 18–19. The district court’s scheduled trial date is July 6, 2026, and the parties offer different time-to-trial statistics that suggest trial could begin between June 2026 and December 2026. *Id.*; DD Opp. 23–25. As such, these considerations neither favor nor counsel against discretionary denial.

Other considerations, however, weigh in favor of discretionary denial. In particular, each of the challenged patents has been in force for more than ten years, creating strong settled expectations for Patent Owner. Additionally, the patents challenged in IPR2025-00866, IPR2025-00867,

² Citations are to papers in IPR2025-00866. The parties filed similar papers in IPR2025-00867, IPR2025-00868, and IPR2025-00869.

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and IPR2025-00869 have all been subject to previous adjudications. The patents challenged in IPR2025-00866, IPR2025-00867, and IPR2025-00869 were involved in prior Board proceedings. In those proceedings, the Board denied institution of two petitions and entered a final written decision finding the challenged claims not unpatentable in the third proceeding. DD Req. 12; *see also* IPR2025-00867, Paper 8, 11–12; IPR2025-00869, Paper 8, 12. The patents challenged in IPR2025-00866 and IPR2025-00867 were also subject to a prior district court proceeding, in which the patents were found not invalid. DD Req. 12; IPR2025-00867, Paper 8, 12. It is not an efficient use of Board resources to further consider petitions challenging patents that have already been subject to challenges before the Office or patents that already have had validity adjudicated either at the Board or in another tribunal.

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*; and

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

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