Director_Discretionary_Decision@uspto.gov
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Paper 10
Date: September 26, 2025

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.

GENGHISCOMM HOLDINGS, LLC,
Patent Owner.

IPR2025-00899
Patent 11,431,386 B1

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

DECISION
Denying Institution of *Inter Partes* Review

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[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. The Director has delegated his discretionary authority for this decision. *See* https://www.uspto.gov/sites/default/files/documents/dsco-delegation.pdf.

GenghisComm Holdings, LLC ("Patent Owner") filed a request for discretionary denial (Paper 7, "DD Req.") in the above-captioned case, and Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Petitioner") filed an opposition (Paper 9, "DD Opp.").

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.

In particular, the projected final written decision due date for this case is November 27, 2026. The district court's scheduled trial date is June 15, 2026, and the time-to-trial statistics suggest trial will begin by August 2026. DD Req. 5–6. As such, it is unlikely that a final written decision in this proceeding will issue before the district court trial occurs, resulting in significant duplication of effort, additional expense for the parties, and a risk of inconsistent decisions. Additionally, there is insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial. *Id.* at 4–5. Although the challenged patent has not been in force for a significant period of time (issued in 2022), this fact alone does not tip the balance against discretionary denial.

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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