

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

APPLE INC.,
Petitioner,

v.

APEX BEAM TECHNOLOGIES LLC,
Patent Owner.

IPR2025-00896 (Patent 10,912,081 B2)
IPR2025-00900 (Patent 11,063,727 B2)
IPR2025-00901 (Patent 11,374,721 B2)
IPR2025-00907 (Patent 11,139,944 B2)
IPR2025-00909 (Patent 10,986,695 B1)
IPR2025-00910 (Patent 10,979,128 B1)
IPR2025-00911 (Patent 11,637,615 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
Referring the Petitions to the Board

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Apex Beam Technologies LLC (“Patent Owner”) filed a request for discretionary denial (Paper 7, “DD Req.”) in the above-captioned cases, and Apple Inc. (“Petitioner”) filed an opposition (Paper 9, “DD Opp.”).¹

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is not appropriate in these proceedings. 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 in these proceedings is November 18, 2026. DD Req. 2; DD Opp. 16. The district court’s scheduled trial date is December 7, 2026, and the time-to-trial statistics suggest trial could begin in January 2027. DD Req. 1, 4; DD Opp. 16; Ex. 1036, 37; Ex. 2001. As such, it is likely that a final written decision in these proceedings will issue before a district court trial occurs, reducing the concern of inconsistent outcomes or significant duplication of efforts.

Additionally, Petitioner explains that the parallel district court proceeding asserts a total of seventeen different patents spanning eleven families with a diverse range of subject matter (e.g., multi-antenna transmission, uplink transmission, down-link control information, uplink

¹ Citations are to papers in IPR2025-00896. The parties filed similar papers in IPR2025-00900, IPR2025-00901, IPR2025-00907, IPR2025-00909, IPR2025-00910, and IPR2025-00911.

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cancellation signaling, and failure recovery). DD Opp. 25–26.² The large number and wide scope of the patents asserted in the district court litigation weighs against discretionary denial, as the Board is better suited to review a large number of patents involving diverse subject matter. *See Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00217, Paper 9 at 2–3 (Director June 13, 2025).

Additionally, the challenged patents have not been in force for a significant period of time (issued in 2021, 2021, 2022, 2021, 2021, 2021, and 2023). Although there may be good reasons why a patent owner has strong settled expectations in a patent that has been in force for two, three, or four years, Patent Owner has not sufficiently articulated such reasons in these proceedings. In the absence of such information, Patent Owner has not demonstrated that it has developed strong settled expectations that favor discretionary denial.

Although certain arguments are highlighted above, the determination not to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petitions are referred to the Board to handle the cases in the normal course, including

² While only seven patents are the subject of the *inter partes review* requests addressed here, nine additional patents are the subject of *inter partes review* proceedings in which requests for discretionary denial have been filed. *See* IPR2025-00895; IPR2025-00904; IPR2025-00921; IPR2025-00923; IPR2025-00894; IPR2025-00897; IPR2025-00898; IPR2025-00903; IPR2025-00905; IPR2025-00906; IPR2025-00908; and IPR2025-00922.

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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 is *denied*;

FURTHER ORDERED that the Petitions are referred to the Board;
and

FURTHER ORDERED that neither party shall file a request for rehearing or Director Review of this decision until the Board issues a decision on institution.

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