

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

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner,

v.

LONGHORN AUTOMOTIVE GROUP LLC,
Patent Owner.

IPR2025-00925
Patent 8,085,192 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

Longhorn Automotive Group LLC (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned case, and Volkswagen Group of America, Inc., Volkswagen AG, and Audi AG. (collectively, “Petitioner”) filed an opposition (Paper 7, “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.

Although the parties are engaged in a parallel proceeding involving the challenged patent, it is unclear whether a final written decision in this proceeding will issue after the district court trial occurs. The projected final written decision due date in the Board proceeding is November 25, 2026. *See* DD Req. 1. The district court’s scheduled trial date is August 17, 2026, but the time-to-trial statistics suggest trial will begin in January 2027. DD Opp. 14. As such, these considerations neither favor nor counsel against discretionary denial.

Some considerations, however, favor discretionary denial. In particular, the challenged patent has been in force for thirteen 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). Further, Petitioner’s argument that the Examiner erred is unconvincing as it does not accurately characterize the prosecution history. *See* DD Opp. 2–7 (focusing on “removable storage”); Ex. 1003, 134 (interview summary discussing encrypted memory).

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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