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Paper 10
Date: September 12, 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

MERCEDES-BENZ GROUP AG,
Petitioner,

v.

THE PHELAN GROUP, LLC,
Patent Owner.

IPR2025-00919 (Patent 10,259,465 B2)
IPR2025-00930 (Patent 11,472,427 B2)
IPR2025-00986 (Patent 9,493,149 B2)
IPR2025-00990 (Patent 10,259,470 B2)
IPR2025-00992 (Patent 11,352,020 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

The Phelan Group, LLC ("Patent Owner") filed a request for discretionary denial (Paper 6, "DD Req.") in the above-captioned cases, and Mercedes-Benz Group AG ("Petitioner") filed an opposition (Paper 7, "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, these cases present essentially the same discretionary considerations as those presented in IPR2025-00413. *See Mercedes-Benz Grp. AG v. The Phelan Grp.*, IPR2025-00413, Paper 13 (Director June 25, 2025) (denying Patent Owner's request for discretionary denial). Accordingly, that analysis is incorporated here. *Id.* at 2. Furthermore, the Board recently determined that Petitioner demonstrated a reasonable likelihood of prevailing in showing at least one challenged claim is unpatentable in IPR2025-00413. The challenged patent in IPR2025-00413 has similar claims to those challenged in these proceedings and the IPR2025-00413 petition relies on prior art similar to the prior art raised in these Petitions.

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

[1] Citations are to papers in IPR2025-00919. The parties filed similar papers in IPR2025-00930, IPR2025-00986, IPR2025-00990, and IPR2025-00992.

are referred to the Board to handle the cases in the normal course, including by issuing decisions on institution addressing the merits and other non-discretionary considerations, as appropriate.

In consideration of the foregoing, it is:

ORDERED that Patent Owner's requests for discretionary denial are *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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