

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

HISENSE USA CORPORATION,
Petitioner,

v.

PHENIX LONGHORN LLC,
Patent Owner.

IPR2025-01004
Patent 7,557,788 B1

Before COKE MORGAN STEWART, *Deputy Under Secretary of
Commerce for Intellectual Property and Deputy Director of the United
States Patent and Trademark Office.*

DECISION
Denying Institution of *Inter Partes* Review

Phenix Longhorn LLC (“Patent Owner”) filed a request for discretionary denial (Paper 7, “DD Req.”) in the above-captioned case, and Hisense USA Corporation (“Petitioner”) filed an opposition (Paper 8, “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 in the Board proceeding is December 16, 2026. *See* Paper 3, 1. The district court’s scheduled trial date is January 20, 2026. DD Req. 10. As such, it is unlikely that a final written decision in this proceeding will issue before district court trial occurs, resulting in significant duplication of effort, additional expense for the parties, and a risk of inconsistent decisions.

Additionally, the challenged patent was involved in a prior Board proceeding. *See Innolux Corp. v. Phenix Longhorn LLC*, IPR2025-00044, Paper 11, 23, 25 (PTAB June 9, 2025). In that prior proceeding, the Board denied institution, finding that the petition did not satisfy the requirements of 37 C.F.R. § 42.104(b)(3) and did not present a reasonable likelihood that a challenged claim was unpatentable. DD Req. 35; *Innolux*, IPR2025-00044, Paper 11, 23, 25. Even absent road mapping, prior challenges weigh against institution.

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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