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Paper 25
Entered: May 21, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIGHT & WONDER, INC.,
Petitioner,

v.

EVOLUTION MALTA LIMITED,
Patent Owner.

IPR2025-01072 (Patent 11,011,014 B1)
IPR2025-01073 (Patent 10,629,024 B1)
IPR2025-01078 (Patent 11,756,371 B1)

Before ROBERT L. KINDER, SHEILA F. McSHANE, and FREDERICK C. LANEY, *Administrative Patent Judges*.

KINDER, *Administrative Patent Judge*.

ORDER
Denying Patent Owner's Motion to Terminate

I. BACKGROUND

A. Board Proceedings

In each respective proceeding, Light & Wonder, Inc. ("Petitioner") filed a Petition requesting *inter partes* review of certain claims of patents owned by Evolution Malta Limited ("Patent Owner").

On August 25, 2025, Patent Owner filed a Request for Discretionary Denial addressing district court actions in related litigation, arguing that these district court decisions warranted discretionary denial. Paper 6 at 4, 5, 11, 12, 21–23, 31–33.

On October 17, 2025, the Deputy Director denied the request. Paper 11. The Deputy Director identified a previous ruling of the district court, "concluding that the challenged patents are invalid as lacking eligibility under 35 U.S.C. § 101." *Id.* at 2. Considering the totality of the circumstances, she concluded that discretionary denial was not appropriate and "the Petitions are referred to the Board" to address "the merits and other *non-discretionary considerations*." *Id.* at 2–3 (emphasis added).

On December 17, 2025, the Board instituted trial on all grounds on the merits. Paper 14 at 18–19.

We authorized Patent Owner to file a motion to terminate, specifically asking the parties to address "the authority the panel has to grant that relief, and any jurisdictional or authority issues." Ex. 3001. On April 24, 2026, Patent Owner filed a Motion to Terminate ("Mot."). Paper 21.[1] Patent

[1] In each proceeding an identical Motion to Terminate was filed. *See* IPR2025-01073, Paper 22 and IPR2025-01078, Paper 21. We cite only the Papers in IPR2025-01072 for ease of reading, but our decision applies equally to each proceeding.

Owner now "requests that the Board vacate its institution decision and terminate this IPR without entering a final written decision," based upon a recent district court decision addressing the invalidity of its claims under 35 U.S.C. § 101. Mot. 1. On May 8, 2026, Petitioner filed an Opposition ("Opp."). Paper 22. Patent Owner filed a Reply to Opposition ("Reply") on May 19, 2026. Paper 24.

For the reasons set forth below, we deny Patent Owner's Motion to Terminate (Paper 21).

B. Related Matters

According to the parties, the patents are subject to a civil action in *Evolution Malta Limited v. Light & Wonder, Inc.*, Case No. 2:24-cv-00993-CDS (D. Nev.). Pet. 81; *see* Paper 4 (Patent Owner Mandatory Notices); *see also* Ex. 2046 (district court order granting motion to dismiss).

C. Parties' Arguments

1. Patent Owner Arguments

In its Motion, Patent Owner did not address the authority the panel has to grant the relief requested. *See* Ex. 3001; *see generally* Mot. Instead, Patent Owner addressed "the Office's policy" and discretionary decisions of the Director and Acting Director vacating institution decisions based upon that policy. *See* Mot. 2–3 (discussing *Hulu, LLC v. Piranha Media Distribution, LLC*, IPR2024-01252, Paper 27 (Apr. 17, 2025) (Informative)).

In Reply, Patent Owner addresses the Office's authority to vacate institution decisions and terminate these IPRs. Reply 1–3. Patent Owner relies upon several recent decisions of the Director or Acting Director that have vacated instituted decisions on discretionary grounds. *Id.* Patent

Owner does not address whether the panel has the authority to grant the relief requested.

2. *Petitioner Arguments*

Petitioner notes that "[w]hen Acting Director Stewart referred L&W's Petition to the merits panel, the claims of the [challenged patent] had already been held invalid under 35 U.S.C. § 101." Opp. 1. Petitioner contends that "Evolution is now asking this panel to second-guess the Acting Director's decision by recycling the same arguments she rejected." *Id.*

Petitioner notes that all cases cited by Patent Owner were either "decisions denying institution, not terminating," or "decided by the Director, not a panel." *Id.* at 5. Petitioner argues that none of the cases cited by Patent Owner "grants a panel the authority to terminate an IPR mid-trial." *Id.*

II. ANALYSIS

We find that we lack authority to grant the relief Patent Owner requests. *See Berkshire Hathaway Energy Co. v. Birchtech Corp.*, IPR2025-00274, Paper 76 (PTAB Mar. 4, 2026) (denying motion to terminate because the Board lacked authority to decide discretionary issues), *cited with approval in Berkshire Hathaway Energy Co. v. Birthtech Corp.*, IPR2025-00274, Paper 81 at 3 (Squires, Mar. 27, 2026) (noting "the Board correctly determined that it lacked the authority in these IPRs to terminate parallel proceedings challenging the same patents because, under current policy, the Director makes determinations on discretionary issues").

On March 26, 2025, the Acting Director issued a Memorandum on Interim Processes for PTAB Workload Management ("Interim Process Memo").[2] The Acting Director stated:

> [D]ecisions on whether to institute an IPR or PGR will be bifurcated between (i) discretionary considerations and (ii) merits and other non-discretionary statutory considerations. Under this interim procedure, the Director, in consultation with at least three PTAB judges, will determine whether discretionary denial of institution is appropriate. If it is appropriate, the Director will issue a decision denying institution. If it is not appropriate, the Director will issue a decision regarding that determination and refer the petition to a three-member panel of the PTAB assigned according to Standard Operating Procedure (SOP) 1 (Rev. 16). The three- member panel will then handle the case in the normal course.

Interim Process Memo at 1. Although the Interim Process Memo only applies to "proceedings where the deadline . . . to file a preliminary response has not yet passed" (Interim Process Memo at 2),[3] in a subsequent memorandum, the Director restored his authority to exclusively determine discretionary institution issues in all proceedings. Director Institution of AIA Trial Proceedings (Oct. 17, 2025).[4]

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[2] Interim Processes for PTAB Workload Management (Mar. 26, 2025), available at: https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf.

[3] This process applies to IPR2025-01072, 01073, 01078. *See* IPR2025-0072, Paper 11 (Oct. 10, 2025) (Discretionary Denial Order).

[4] Available at: https://www.uspto.gov/sites/default/files/documents/Director_Institution_of_AIA_Trial_Proceedings.pdf ("Director Institution Memo").

The Interim Process Memo and Director Institution Memo, thus, reserves consideration of discretionary issues to the Director. The relief Patent Owner requests is that the panel exercise discretion to terminate these proceedings based on actions taken in related district court proceedings as done in *Hulu*. *See* Mot. 2. Because the basis for Patent Owner's requested relief is discretionary, the panel lacks the authority to grant the request. In this regard, the present situation is different from that in *Hulu* and *Sinclair Pharma Limited v. Hydrafacial LLC* (IPR2025-00145, Paper 41, Squires, Feb. 12, 2026), cited by Patent Owner. In those cases, the Director ordered de-institution, not the panel. The Director has not made such a determination or delegated such authority to the panel in these proceedings. Indeed, as noted above, Patent Owner has already briefed, and the Director has previously ruled on, discretionary denial issues. Paper 11.

Accordingly, we deny Patent Owner's Motion to Terminate.

III. ORDER

Upon consideration of the record before us, it is:

ORDERED that, Patent Owner's Motion to Terminate (IPR2025-01072, Paper 21; IPR2025-01073, Paper 22; IPR2025-01078, Paper 21) is *denied*.

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