

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

NISSAN MOTOR CO., LTD.,
Petitioner,

v.

LONGHORN AUTOMOTIVE GROUP LLC,
Patent Owner.

IPR2025-01089
Patent 7,513,238 B2

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

Longhorn Automotive Group LLC (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned case, and Nissan Motor Co., Ltd. (“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.

The projected final written decision due date in the Board proceeding is December 28, 2026. DD Req. 6. The district court’s scheduled trial date in the earliest parallel proceeding is June 1, 2026, and the time-to-trial statistics suggest trial will begin in September 2026. Ex. 1023. 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, there is insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial. Further, there has been meaningful investment in the district court proceeding. DD Req. 9–10. For example, Patent Owner has provided two sets of infringement contentions, and a *Markman* hearing is scheduled to occur before the due date for an institution decision. *Id.*

Furthermore, the challenged patent has been in force for sixteen 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).

Accordingly, Patent Owner's strong settled expectations further favor of discretionary denial.

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 Petitions is *denied*, and no trial is instituted.

IPR2025-01089
Patent 7,513,238 B2

FOR PETITIONER:

Pavan Agarwal
Roberto Fernandez
FOLEY & LARDNER LLP
pagarwal@foley.com
rfernandez@foley.com

FOR PATENT OWNER:

Vincent Rubino
Peter Lambrianakos
Enrique Iturralde
FABRICANT LLP
vrubino@fabricantllp.com
plambrianakos@fabricantllp.com
eiturralde@fabricantllp.com