Director_Discretionary_Decision@uspto.gov
571-272-7822

Paper 9
Date: October 3, 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

AMERICAN AIRLINES, INC. and SOUTHWEST AIRLINES CO.,
Petitioner,

v.

INTELLECTUAL VENTURES I LLC,
Patent Owner.

IPR2025-00987 (Patent 8,407,722 B2)
IPR2025-01055 (Patent 8,027,326 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
Referring the Petitions to the Board

Intellectual Ventures I LLC ("Patent Owner") filed a request for discretionary denial (Paper 6, "DD Req.") in the above-captioned cases, and American Airlines, Inc. and Southwest Airlines Co. (collectively "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.

These cases present essentially the same discretionary considerations as those presented in IPR2025-00785 and IPR2025-00786. *See, e.g.*, *American Airlines, Inc. v. Intellectual Ventures I, LLC*, IPR2025-00785, Paper 11 (Director August 29, 2025) (denying Patent Owner's request for discretionary denial). Accordingly, that analysis is incorporated here. *Id.* at 2–3.

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 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*;

[1] Citations are to papers in IPR2025-00987. The parties filed similar papers in IPR2025-01055.

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.

IPR2025-00987 (Patent 8,407,722 B2)
IPR2025-01055 (Patent 8,027,326 B2)

FOR PETITIONER:

Keith Harden
Daniel Venglarik
MUNCK WILSON MANDALA, LLP
kharden@munckwilson.com
dvenglarik@munckwilson.com

John Campbell
Casey Shomaker
MCKOOL SMITH, P.C.
jcampbell@mckoolsmith.com
cshomaker@mckoolsmith.com

FOR PATENT OWNER:

Brandon Theiss
Daniel Golub
Ryan O'Donnell
Dawn Kerner
VOLPE KOENIG
btheiss@vklaw.com
dgolub@vklaw.com
rodonnell@vklaw.com
dkerner@vklaw.com