

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM SERVICES LLC and AMAZON WEB SERVICES, INC.,
Petitioner,

v.

HEADWATER RESEARCH LLC,
Patent Owner.

IPR2026-00088
Patent 9,615,192 B2

Before HYUN J. JUNG, FREDERICK C. LANEY, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

BELISLE, *Administrative Patent Judge*.

ORDER
Granting Motion to Stay *Ex Parte* Reexamination of
U.S. Patent No. 9,615,192 B2
37 C.F.R. § 42.5

I. INTRODUCTION

Amazon.com Services LLC and Amazon Web Services, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–15 (the “challenged claims”) of U.S. Patent No. 9,615,192 B2 (Ex. 1001, “the ’192 patent”). Headwater Research LLC (“Patent Owner”) requested discretionary denial of the Petition (Paper 7), but did not file a Preliminary Response. On April 6, 2026, the Director instituted *inter partes* review as to all challenged claims of the ’192 patent. Paper 11.

On December 24, 2025, six weeks after the Petition was filed, a third party (Walmart Inc.) filed a Request for *Ex Parte* Reexamination of claims 1–15 of the ’192 patent. Ex. 2008 (“Reexamination Request”). On February 18, 2026, this request was granted in Reexamination Control No. 90/015,831 (“the ’831 Reexamination Proceeding”). Ex. 2009.

With our permission, Patent Owner filed an unopposed motion to stay the ’831 Reexamination Proceeding. Paper 14 (“Mot.”). Patent Owner represents that Petitioner does not oppose the Motion. *Id.* at 1. For the reasons discussed below, we find that it is appropriate to stay the ’831 Reexamination Proceeding pending resolution of the present *inter partes* review proceeding.

II. ANALYSIS

The Board has the authority to enter an order staying a reexamination proceeding where there has been a showing of good cause. 37 C.F.R. § 42.122(a); *see also* 35 U.S.C. § 315(d); 37 C.F.R. § 42.3(a). Indeed, “the Board ordinarily will stay a [reexamination] where good cause exists.” *Notice Regarding Options for Amendments by Patent Owner Through*

Reissue or Reexamination During a Pending AIA Trial Proceeding, 84 Fed. Reg. 16,654, 16,656 (Apr. 22, 2019) (“Notice”). The Notice outlines factors the Board considers in AIA trials in deciding whether to stay a parallel reexamination involving the same patent. Notice, 16,657. We analyze each of those factors below.

A. Factor 1: Whether the claims challenged in the IPR are the same as or depend directly or indirectly from claims at issue in the reexamination.

Both the present case and the ’831 Reexamination Proceeding challenge all claims in the ’192 patent, namely claims 1–15. Thus, we find factor 1 favors a stay.

B. Factor 2: Whether the same grounds of unpatentability or the same prior art are at issue in both the IPR and the reexamination.

In this case, Petitioner challenges claims 1–15 based on several prior art references, namely TS-23.140 (Ex. 1004), Houghton (Ex. 1007), Munson (Ex. 1017), Shen (Ex. 1014), Ellison (Ex. 1019), Rakic (Ex. 1015), Herzog (Ex. 1008), Gellens (Ex. 1020), and Adamczyk (Ex. 1021). Pet. 2–3 (identifying references). In the ’831 Reexamination Proceeding, the claims are challenged based on *three* of these *same* references, namely Ellison, Rakic, and Gellens, as well as several other references, namely Rittmaster, Konstantinov, Distributed Systems, Computer Networks, Klassen, Dutta, Coffee, Basso, and Shenfield. Ex. 2008, 18, 32–34 (identifying references).

Patent Owner argues that factor 2 favors a stay because this case and the ’831 Reexamination Proceeding “have overlapping prior art in grounds challenging multiple claims, including at least claims 4, 8, and 14,” and “[b]oth the Petition and the Request assert Ellison in their grounds

challenging claim 4, Rakic in their grounds challenging claim 8, and Gellens in their grounds challenging claim 14.” Mot. 5–6. Patent Owner proffers, “[s]ince there is some overlap in prior art, this is by itself sufficient for Factor 2 to favor a stay of the ’831 [Reexamination Proceeding], or at the very least be neutral.” Mot. 6 (citing, *inter alia*, *Lab. Corp. of Am. Holdings v. Ravgen, Inc.*, IPR2021-00902, Paper 24, 7 (PTAB Feb. 1, 2022) (“[W]e find that there is some overlap in the asserted references and theories of unpatentability, and that this factor favors a stay.”)).

In this case, all challenges to patentability are based on obviousness, and in particular, either TS-23.140 or Houghton as lead references. Pet. 3. In the ’831 Reexamination Proceeding, the bases for unpatentability include both anticipation and obviousness, and rely on Rittmaster as the lead reference. Ex. 2008, 18. Thus, although there is some overlap in the use of certain references, there also are many differences in the combinations of prior art applied across the two proceedings.

Given the partial, but not substantial, overlap in the asserted prior art and unpatentability theories between this case and the ’831 Reexamination Proceeding, we find factor 2 is neutral. *See Google LLC v. EcoFactor, Inc.*, IPR2021-00054, Paper 12, 4, 6 (PTAB June 28, 2021) (granting stay even where “[t]here is no overlap between the prior art in [the IPR] and the Reexamination,” and noting that the subject facts “present an archetypal pattern warranting a stay”).

C. Factor 3: Whether the concurrent parallel Office proceeding will duplicate efforts within the Office.

Patent Owner argues, “[s]ince the same claims are at issue in this IPR and the ’831 [Reexamination Proceeding], and there is some overlap in the

prior art, duplication risk is very high.” Mot. 7. Indeed, both proceedings will require, for example, interpretation or construction of all challenged claims, and assessments and application of some of the same prior art and teachings therefrom as understood by the relevant artisan. We agree with Patent Owner that there is a significant risk of duplication of Office proceedings, and find factor 3 favors a stay.

D. Factor 4: Whether the reexamination could result in inconsistent results between proceedings.

Patent Owner argues that factor 4 favors a stay because “[b]oth [proceedings] may, *e.g.*, rule on the scope of the same claims (and of prior art references Ellison, Rakic, and Gellens) and likely must determine whether substantially similar disclosure renders the same claims obvious.” Mot. 8. We agree, and find factor 4 favors a stay.

E. Factor 5: Whether amending the claim scope in one proceeding would affect the claim scope in another proceeding.

Patent Owner argues that “granting a stay will alleviate the risk that amendments or new claims presented in the ’831 [Reexamination Proceeding] will have an effect in [this case].” Mot. 9. Patent Owner argues “[t]he Board has found that this factor favors a stay of a concurrent parallel reexamination when the patent owner can amend claims of the patent in the reexamination.” Mot. 8–9 (citing *BMW of N. Am., LLC v. Foras Techs. Ltd.*, IPR2023-01373, Paper 15, 5 (PTAB Jun. 21, 2024); *Celltrion, Inc. v. Regeneron Pharms., Inc.*, IPR2023-00462, Paper 17, 4 (PTAB Sep. 8, 2023)). We agree, and find factor 5 favors a stay.

F. Factors 6 and 7: The respective timelines, stages, and statutory deadlines of the respective proceedings.

Patent Owner argues that “[t]his IPR was filed prior to the ’831 [Reexamination Proceeding] and has already been instituted. No office action has issued in the [Reexamination],” and “[w]hen, as here, an IPR is instituted and, *e.g.*, no [Reexamination] office action has been issued, the Board has found these factors to favor a stay.” Mot. 9. We agree, and find both factors 6 and 7 favor a stay.

G. Factor 8: Whether a decision in one proceeding would likely simplify issues in the concurrent parallel Office proceeding or render it moot.

Patent Owner argues that “[t]his IPR may simplify or moot the issues in the [’831 Reexamination Proceeding], which has overlapping claims and art.” Mot. 9. We agree, and find factor 8 favors a stay. Indeed, a determination of unpatentability of all claims in this case may (and likely would) render moot the reexamination of the same claims.

III. CONCLUSION

After considering all the factors, for the foregoing reasons, we find that Patent Owner has shown good cause for staying the ’831 Reexamination Proceeding pending resolution of this case (IPR2026-00088). *See* Notice at 16,656 (“Good cause for staying a case may exist if, for example, an ongoing AIA proceeding, which is subject to statutory deadlines, is addressing the same or overlapping claims of a patent at issue in a parallel Office proceeding.”).

IV. ORDER

For the foregoing reasons, it is:

ORDERED that Patent Owner's Unopposed Motion to Stay *Ex Parte* Reexamination Control Number 90/015,831 is *granted*;

FURTHER ORDERED that Reexamination Control No. 90/015,831 is *stayed*, pending the termination or completion of IPR2026-00088;

FURTHER ORDERED that all time periods for filing further papers in Reexamination Control No. 90/015,831 are tolled for the duration of the stay, and no further papers shall be filed in the reexamination while this stay remains in place, without authorization; and

FURTHER ORDERED that, when the stay is lifted, a paper will be sent resetting time periods for responding to any outstanding papers in Reexamination Control No. 90/015,831.

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