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Paper 14
Date: October 10, 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

GOOGLE LLC,
Petitioner,

v.

SANDPIPER CDN, LLC,
Patent Owner.

IPR2025-00860 (Patent 10,924,573 B2)
IPR2025-00969 (Patent 8,478,903 B2)
IPR2025-01010 (Patent 10,057,322 B2)

Before KALYAN K. DESHPANDE,[1] *Acting Chief Administrative Patent Judge*.

DECISION
Referring the Petitions to the Board

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[1] Coke Morgan Stewart, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office, is recused and took no part in this decision. *See* https://www.uspto.gov/sites/default/files/documents/dsco-delegation.pdf.

Sandpiper CDN, LLC ("Patent Owner") filed a request for discretionary denial (Paper 6, "DD Req.") in the above-captioned cases, and Google LLC ("Petitioner") filed an opposition (Paper 9, "DD Opp.").[2] With authorization, Patent Owner filed a Reply (Paper 11) and Petitioner filed a Sur-reply (Paper 12).

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.

With regard to the timing of the parallel district court proceeding, these cases present essentially the same discretionary considerations as those presented in IPR2025-00806 and IPR2025-00826. *See, e.g., Google LLC v. Sandpiper CDN, LLC*, IPR2025-00806, Paper 13 (Director September 12, 2025). Accordingly, that analysis is incorporated here. *Id.* at 2–3.

The patent challenged in IPR2025-00969 is expired, and the parties present similar arguments to those raised in IPR2025-00806 and IPR2025-00826. *Compare* IPR2025-00969, Paper 5, 17, *with* IPR2025-00806, Paper 6, 14; Paper 9, 13–14. Because the proceeding in IPR2025-00969 presents essentially the same discretionary considerations as those presented in IPR2025-00806 and IPR2025-00826, that analysis is incorporated here.

As to IPR2025-00860, the challenged patent has not been in force for a significant period of time (issued in 2021). Accordingly, Patent Owner has not developed strong settled expectations. Further, Patent Owner's

[2] Citations are to papers in IPR2025-00860. The parties filed similar papers in IPR2025-00969 and IPR2025-01010.

arguments for discretionary denial under 35 U.S.C. § 325(d) are not persuasive. DD Req. 28–34.

Although certain arguments are highlighted above, 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 a decision 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*;

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.

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