

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

SAP AMERICA, INC.,
Petitioner,

v.

VALTRUS INNOVATIONS LTD.,
Patent Owner.

IPR2025-00414 (Patent 7,152,182 B2)
IPR2025-00415 (Patent 6,691,139 B2)
IPR2025-00416 (Patent 7,313,575 B2)
IPR2025-00417 (Patent 6,823,409 B2)
IPR2025-00418 (Patent 6,871,264 B2)
IPR2025-00420 (Patent 6,889,244 B1)

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

DECISION
Denying Institution of *Inter Partes* Review

IPR2025-00414 (Patent 7,152,182 B2)
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Valtrus Innovations Ltd. (“Patent Owner”) filed a request for discretionary denial (Paper 8, “DD Req.”) in the above-captioned cases, and SAP America, Inc. (“Petitioner”) filed an opposition (Paper 11, “DD Opp.”).¹

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the projected final written decision due dates in IPR2025-00415 and IPR2025-00416 are in August 2026, and the projected final written decision due date in IPR2025-00420 is in September 2026. *See, e.g.*, DD Req. 9. The district court’s scheduled trial date in the co-pending litigation is September 22, 2025, and the time-to-trial statistics suggest trial will begin between September and December 2025. *Id.* at 11–12; DD Opp. 10–11. As such, it is unlikely that a final written decision in this proceeding will issue before the district court trial occurs. Additionally, the challenged patents have been in force for over 17 years, creating strong settled expectations. Under these circumstances, discretionary denial is appropriate.

IPR2025-00415, IPR2025-00417, and IPR2025-00418, however, present different circumstances. The challenged patent in each of these

¹ Unless otherwise indicated, citations are to Papers in IPR2025-00414. The parties filed similar papers in IPR2025-00415, IPR2025-00416, IPR2025-00417, IPR2025-00418, and IPR2025-00420.

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proceedings has been dismissed from the parallel district court proceeding with prejudice. *See, e.g.*, IPR2025-00415, Paper 8, 2–3. As Patent Owner asserts, it is an inefficient use of Board resources to review these challenged patents that have been dismissed from the litigation. *See id.* In addition, the challenged patents in IPR2025-00415, IPR2025-00417, and IPR2025-00418 have been in force for approximately 20 years, creating strong settled expectations, and Petitioner does not provide any 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). These circumstances tip the balance in 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 Petitions are 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 are *denied*, and no trial is instituted.

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