

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

DOCKER INC.,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

IPR2025-00840
Patent 8,332,844 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

Intellectual Ventures II LLC (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned case, and Docker Inc. (“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 parties are not engaged in a parallel proceeding involving the challenged patent. The challenged patent, however, is being asserted against Petitioner’s customers in two district court proceedings, and is also the subject of IPR2025-00931. The grounds in this Petition overlap those being advanced in one of the parallel district court proceedings. DD Req. 7–10. Furthermore, the Office recently issued an order granting *ex parte* reexamination of the challenged patent. *Id.* at 4–5. Under these circumstances, it would not be an efficient use of Office resources to further review the patent. Additionally, the challenged patent has been in force for approximately twelve years, creating strong settled expectations for Patent Owner. *Id.* at 16. This also weighs 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 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 Petition is *denied*, and no trial is instituted.

IPR2025-00840
Patent 8,332,844 B1

FOR PETITIONER:

Brian Buroker
Nathan Curtis
Shuo Zhang
Vivian Lu
GIBSON, DUNN & CRUTCHER LLP
bburoker@gibsondunn.com
ncurtis@gibsondunn.com
szhang@gibsondunn.com
vlu@gibsondunn.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

Russell Rigby
INTELLECTUAL VENTURES II LLC
rrigby@intven.com