

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE  
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

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GOOGLE LLC,  
Petitioner,

v.

BOOTLER, LLC,  
Patent Owner.

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IPR2025-00967 (Patent 10,445,683 B2)  
IPR2025-00968 (Patent 11,037,090 B2)

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Before JOHN A. SQUIRES, *Under Secretary of Commerce for Intellectual  
Property and Director of the United States Patent and Trademark Office.*

DECISION  
Denying Institution of *Inter Partes* Review

Google LLC (“Petitioner”) filed a Petition challenging claims 1–16 of U.S. Patent No. 10,445,683 B2 (IPR2025-00967, Paper 2) and a Petition challenging claims 1–17 of U.S. Patent No. 11,037,090 B2 (IPR2025-00968, Paper 2). Bootler LLC (“Patent Owner”) did not file a brief requesting discretionary denial before the prescribed deadline, and, accordingly, the cases were referred to the Board. Paper 7.<sup>1</sup> Due to changed circumstances, Patent Owner subsequently asked for and received authorization to file a brief requesting discretionary denial. Ex. 3101. Patent Owner then filed a request for discretionary denial (Paper 8, “DD Req.”) and Petitioner filed an opposition (Paper 9, “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.

In particular, the challenged patents are the subject of a parallel proceeding in district court between Petitioner and Patent Owner. In that proceeding, the district court has found that the claims of the challenged patents are invalid under 35 U.S.C. § 101. *See* Ex. 2001. Because the challenged claims have already been found to be invalid, it is not an efficient use of Board resources to review them for patentability under other grounds. *See Hulu, LLC v. Piranha Media Distribution LLC*, IPR2024-01252, Paper 27 (Director April 17, 2025) (informative).

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of

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<sup>1</sup> Unless otherwise indicated, citations are to papers in IPR2025-00967. The parties filed similar papers in IPR2025-00968.

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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 the Notices of Referral to Board Panel are *vacated*;

FURTHER ORDERED that Patent Owner's requests for discretionary denial are *granted*; and

FURTHER ORDERED that the Petitions are *denied*, and no trial is instituted.

IPR2025-00967 (Patent 10,445,683 B2)

IPR2025-00968 (Patent 11,037,090 B2)

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