

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

REALTEK SEMICONDUCTOR CORP.,
Petitioner,

v.

PARKERVISION, INC.,
Patent Owner.

IPR2025-00324 (Patent 7,865,177 B2)
IPR2025-00325 (Patent 9,118,528 B2)

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

DECISION

Granting Patent Owner's Request for Discretionary Denial and Denying
Institution of *Inter Partes* Review

ParkerVision, Inc. (“ParkerVision” or “Patent Owner”) filed a request for discretionary denial (Paper 8, “DD Req.”) in the above-captioned cases, and Realtek Semiconductor Corp. (“Realtek” or “Petitioner”) filed an opposition (Paper 10, “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, ParkerVision’s fairness arguments are persuasive. DD Req. 17–20. ParkerVision served a patent infringement complaint asserting U.S. Patent No. 7,865,177 B2 (“the ’177 patent”) against Realtek on September 28, 2023. *Id.* at 3–4. ParkerVision also filed infringement actions against Texas Instruments, Incorporated (“TI”) and NXP Semiconductors N.V. (“NXP”). *Id.* On May 18, 2024, TI filed a petition for *inter partes* review of the ’177 patent. *Id.* at 4. On June 20, 2024, NXP filed a copycat petition and a request to join the TI proceeding. *Id.* On November 26, 2024, the Board issued a decision granting institution of TI’s petition, and on December 19, 2024, the Board granted NXP’s petition and request to join the TI proceeding. DD Req. 5. On December 24, 2024, Realtek filed a copycat petition and motion to join the TI proceeding. *Id.* Realtek’s statutory deadline to file a petition, however, expired on September 28, 2024, i.e., one year after service of the complaint. *See* 35 U.S.C. § 315(b). Accordingly, Realtek is time-barred from filing a petition under § 315(b).

¹ Citations are to papers in IPR2025-00324. The parties filed similar papers in IPR2025-00325.

ParkerVision's equity arguments are persuasive in view of the facts above. Although § 315(b) permits time-barred parties to file a petition when seeking joinder under § 315(c) (*see* DD Opp. 18–19), the Office may consider whether it is fair to permit a time-barred party to join an ongoing proceeding when determining whether to exercise discretion to deny institution under 35 U.S.C. § 314(a). Petitions filed by time-barred parties should proceed only in exceptional circumstances. Realtek does not present an exceptional circumstance here. ParkerVision's persuasive fairness arguments due to Realtek being a time-barred party favor exercising discretion to deny institution. DD Req. 17–20.

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 Petitions are *denied*, and no trial is instituted.

IPR2025-00324 (Patent 7,865,177 B2)

IPR2025-00325 (Patent 9,118,528 B2)

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