

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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GEOTAB INC. and GEOTAB USA, INC.,  
Petitioner,

v.

FRACTUS, S.A.,  
Patent Owner.

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IPR2025-00928 (Patent 8,456,365 B2)  
IPR2025-00929 (Patent 8,810,458 B2)

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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

IPR2025-00928 (Patent 8,456,365 B2)

IPR2025-00929 (Patent 8,810,458 B2)

Fractus, S.A. (“Patent Owner”) filed a request for discretionary denial of institution (Paper 7, “DD Req.”) in the above-captioned cases, and Geotab Inc. and Geotab USA, Inc. (collectively, “Petitioner”) filed an opposition (Paper 9, “DD Opp.”).<sup>1</sup>

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.

The projected final written decision due date in the Board proceedings is November 28, 2026. DD Req. 11. The district court’s scheduled trial date is September 14, 2026, but the most recent time-to-trial statistics suggest trial would begin in February 2027. DD Req. 11; DD Opp. 30–38.

Accordingly, it is unclear whether the trial will take place prior to the final written decision due date. As such, these considerations neither favor nor counsel against discretionary denial.

Some considerations, however, weigh in favor of discretionary denial. In particular, the challenged patents have been in force for more than eleven years, creating strong settled expectations for Patent Owner. Petitioner argues with respect to settled expectations that the challenged patents do not relate to its technology space (fleet tracking) as the patents concern a “mobile communications device with a multi-band antenna which, at best, is only one of *many* components that can be used in a fleet tracking system.” DD Opp. 26–29. Patent Owner, however, provides evidence that it brought the challenged patents to Petitioner’s attention in 2021. DD Req. 17 (citing

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<sup>1</sup> Citations are to papers in IPR2025-00928. The parties filed similar papers in IPR2025-00929.

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Ex. 2007 ¶ 6; Ex. 2005 ¶¶ 17–18). Accordingly, Petitioner appears to have had notice of the challenged patents for a significant period of time and was engaged in discussions with Patent Owner about the challenged patents until shortly before Patent Owner asserted the challenged patent. *See* Ex. 1043; Ex. 1044. Under these circumstances, the considerations that favor discretionary denial outweigh those that counsel against it.

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 requests for discretionary denial are *granted*; and

FURTHER ORDERED that the Petitions are *denied*.

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