

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

OMNIVISION TECHNOLOGIES, INC.,
Petitioner,

v.

RE SECURED NETWORKS, LLC,
Patent Owner.

IPR2025-01019
Patent 6,838,651 B1

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

DECISION
Denying Institution of *Inter Partes* Review

RE Secured Networks, LLC (“Patent Owner”) filed a request for discretionary denial (Paper 9, “DD Req.”) in the above-captioned case, and OmniVision Technologies, Inc. (“Petitioner”) filed an opposition (Paper 12, “DD Opp.”). With authorization, Patent Owner filed a Reply (Paper 13).

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 patent has been in force for approximately twenty years and is now expired, creating strong settled expectations for Patent Owner. Petitioner’s argument that it assumed that it had become licensed to the challenged patent through Patent Owner’s settlement in a prior litigation is unsupported by evidence. DD Opp. 7. In addition, Petitioner’s argument that it did not expect enforcement of the challenged patent is undermined by Petitioner filing a declaratory judgement action of noninfringement. *Id.*; Pet. 1.

Additionally, the projected final written decision due date for this case is December 20, 2026. DD Req. 5. The district court’s scheduled trial date is October 26, 2026, and the time-to-trial statistics suggest trial will begin by January 2027. *Id.* 4–6; DD Opp. 4–5. 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. However, there is insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial, and there has been meaningful investment in the parallel proceeding by the parties. DD Req. 6–10. For example, the parties have participated in a

Markman hearing, fact discovery was scheduled to close on October 8, 2025, and expert reports are due to be completed by December 17, 2025. *Id.* at 7–8.

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.

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