

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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TWITCH INTERACTIVE, INC.,  
Petitioner,

v.

RAZDOG HOLDINGS LLC,  
Patent Owner.

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IPR2025-00307 (Patent 9,729,658 B2)  
IPR2025-00308 (Patent 10,334,068 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 Patent Owner's Request for Discretionary Denial

Razdog Holdings LLC (“Patent Owner”) filed a Request for Discretionary Denial (Paper 11, “DD Req.”) in the above-captioned cases, and Petitioner filed an opposition (Paper 13, “DD Opp.”).<sup>1</sup> The parties were authorized to file a Joint Notice updating the record on the status of the parallel litigation (Paper 16, “Notice”) and Patent Owner was authorized to file a Reply (Paper 17) to Petitioner’s Opposition.

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is not appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

Patent Owner’s request is primarily based on a parallel district court proceeding in the Northern District of California. *See generally* DD Req. However, there is no currently scheduled trial date in the co-pending district court litigation. Ex. 1078, 1 (order reassigning case and stating, “[a]ll hearing and trial dates presently scheduled are vacated”); Notice 1. According to Petitioner, even if a trial were to be scheduled, the median time-to-trial statistics suggest trial will begin in February 2027, which would be significantly after the projected final written decision (July 30, 2026). DD Opp. 13 (citing Ex. 1078; Ex. 1069). Furthermore, Petitioner has provided persuasive evidence that “[t]here is good reason to believe that a stay will be granted.” *Id.* at 12. Specifically, Petitioner indicates that “[o]ver the past twelve years, judges in the district have granted or partially granted 76% of all post-institution motions to stay pending *inter partes*

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<sup>1</sup> Citations are to papers in IPR2025-00307. The parties filed similar papers in IPR2025-00308.

review” and “Judge Gilliam has granted all post-institution stay motions since 2016.” *Id.* (citing Ex. 1074; Ex. 1079).

Patent Owner also makes several arguments in its request regarding alleged weaknesses of the Petition (DD Req. 17–18), alleged improper or undue reliance on expert opinion (*id.* at 18–19), alleged settled expectations of the parties (*id.* at 19–20), and alleged importance of an *ex parte* reexamination challenging U.S. Patent No. 10,334,068 patent (*id.* at 20, Reexam. Control No. U.S. 90/019,860). However, none of these allegations are sufficiently explained.

Although certain arguments are highlighted above, the determination not to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is referred to the Board to handle the case in the normal course, including by issuing a decision on institution addressing the merits and other non-discretionary considerations, as appropriate.

In consideration of the foregoing, it is:

ORDERED that Patent Owner’s Request for Discretionary Denial is *denied*;

FURTHER ORDERED that the Petition is referred to the Board; and

FURTHER ORDERED that neither party shall file a request for rehearing or Director Review of this decision until the Board issues a decision on institution.

IPR2025-00307 (Patent 9,729,658 B2)  
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