

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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NVIDIA CORPORATION,  
Petitioner,

v.

NEURAL AI, LLC,  
Patent Owner.

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IPR2025-00606 (Patent 8,648,867 B2)  
IPR2025-00608 (Patent RE49,461 E)

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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

Neural AI, LLC (“Patent Owner”) filed a request for discretionary denial (Paper 12, “DD Req.”) in the above-captioned cases, and NVIDIA Corporation (collectively “Petitioner”) filed an opposition (Paper 16, “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.

In particular, the projected final written decision due date in the Board proceeding is October 14, 2026. DD Req. 31.<sup>2</sup> The district court’s scheduled trial date is September 8, 2026, and the time-to-trial statistics suggest that the latest trial would begin is in September 2026. *Id.* at 31–32. As such, it is unlikely that a final written decision in these proceedings will issue before the district court trial occurs, resulting in significant duplication of effort, additional expense for the parties, and a risk of inconsistent decisions.

Additionally, the challenged patent in IPR2025-00606 has been in force for over 11 years, creating strong settled expectations for Patent Owner. The patent challenged in IPR2025-00608, however, has not been in force for a significant period of time. Although the patent originally issued in 2015, the patent reissued in 2023 with different claims from the original patent. While ordinarily such circumstances would counsel against discretionary denial, Petitioner and the original patent owner, Neurala, Inc.,

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<sup>1</sup> Citations are to papers in IPR2025-00606. The parties filed similar papers in IPR2025-00608.

<sup>2</sup> The projected final written decision due date in IPR2025-00608 is October 15, 2026. IPR2025-00608, Paper 13 at 33.

IPR2025-00606 (Patent 8,648,867 B2)

IPR2025-00608 (Patent RE49,461 E)

had a commercial relationship and, in 2017, Neurala sent Petitioner a presentation that included a discussion of Neurala's patent portfolio, including the patent challenged in IPR2025-00606 and the original patent that the patent challenged in IPR2025-00608 issued from. DD Req. 21–27. Accordingly, Petitioner had actual notice of the challenged patents and Petitioner's failure to seek early review of the patents favors denial. Furthermore, in view of the fact that the district court will be considering the validity of the patent challenged in IPR2025-00608 along with the validity of the patent challenged in IPR2025-00606 before a final written decision is due in these proceedings, referring IPR2025-00608 to the Board would be an inefficient use of Board resources and tips the balance to discretionary denial.

Although certain arguments are highlighted above, the determinations in this Decision are 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 request for discretionary denial is *granted*; and

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

IPR2025-00606 (Patent 8,648,867 B2)

IPR2025-00608 (Patent RE49,461 E)

FOR PETITIONER:

Brian Buroker

Nathan Curtis

Vivian Lu

GIBSON, DUNN & CRUTCHER LLP

bburoker@gibsondunn.com

ncurtis@gibsondunn.com

vlu@gibsondunn.com

FOR PATENT OWNER:

Kenneth Weatherwax

Parham Hendifar

LOWENSTEIN & WEATHERWAX LLP

weatherwax@lowensteinweatherwax.com

hendifar@lowensteinweatherwax.com