

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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AMAZON WEB SERVICES, INC.,  
Petitioner,

v.

CROGA INNOVATIONS, LTD.,  
Patent Owner.

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IPR2025-00884  
Patent 10,601,780 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

Croga Innovations, Ltd. (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned case, and Amazon Web Services, Inc. (“Petitioner”) filed an opposition (Paper 8, “DD Opp.”).

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 projected final written decision due date in the Board proceeding is in November 2026. DD Req. 4–5. The district court’s scheduled trial date is June 15, 2026, and time-to-trial statistics suggest trial could begin “shortly before the statutory deadline” or as late as July 2027. Pet. 46–47; DD Req. 5; DD Opp. 7–8. As such, these considerations neither favor nor counsel against discretionary denial.

However, this is the fourth petition for *inter partes* review involving the challenged patent. One petition was voluntarily dismissed prior to institution, and in the other two the Board denied institution on the merits. *See Fortinet v. Croga Innovations Ltd.*, IPR2025-00086, Paper 9 at 20–21 (PTAB Mar. 27, 2025); *Cisco Sys., Inc. v. Croga Innovations Ltd.*, IPR2024-01196, Paper 7 at 17, 21 (PTAB Feb. 13, 2025). Here, Petitioner states that its Petition “addresses the precise deficiency identified by the Board in denying the earlier petitions.” DD Opp. 13. Petitioner’s admission raises concerns of roadmapping and weighs in favor of discretionary denial.

Furthermore, an *ex parte* reexamination has been ordered on the challenged patent, and the Office has issued a final rejection on the challenged claims. DD Opp. 2; Ex. 2003. It is not an appropriate use of Office resources to review a patent in two separate, concurrent Office

proceedings, especially when the reexamination is in an advanced stage. Accordingly, discretionary denial is appropriate.

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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