

Exhibit A

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

In Re KAHOOT! AS,
Petitioner

2026-119

On Petition for Writ of Mandamus to the United States
Patent and Trademark Office in No. IPR2025-00696.

ON PETITION AND MOTION

Before TARANTO, MAYER, and STARK, *Circuit Judges*.

PER CURIAM.

O R D E R

The Director of the United States Patent and Trademark Office denied Kahoot! AS's petition for *inter partes* review ("IPR") of Interstellar Inc.'s patent. In particular, the Director reasoned that the "patent has been in force for over six years, creating strong settled expectations," and Kahoot! had failed to show IPR would be "an appropriate use of [Patent Trial and Appeal] Board resources under these circumstances." Appx287. Kahoot! now petitions for a writ of mandamus directing the PTO to vacate and reconsider without relying on "settled expectations." Amici

move for leave to file briefs in support, and the Director and Interstellar oppose the petition.

The standard for mandamus relief is demanding. Kahoot! must show, among other things, that it has a clear and indisputable right to the relief it seeks. *Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380–81 (2004). We cannot say Kahoot! has made that showing here.

Given Congress committed institution decisions to the Director’s discretion, even when the statutory pre-conditions are present, *SAS Inst., Inc. v. Iancu*, 584 U.S. 357, 366 (2018); *Apple Inc. v. Squires*, ___ F.4th ___, 2026 WL 406495, at *1, (Fed. Cir. Feb. 13, 2026), and protected the exercise of that discretion from review by making such determinations “final and nonappealable,” 35 U.S.C. § 314(d), we have recognized that, in the absence of colorable constitutional claims (which are not raised here), mandamus is ordinarily unavailable for review of institution decisions. *Mylan Lab’ys Ltd. v. Janssen Pharmaceutica, N.V.*, 989 F.3d 1375, 1382 (Fed. Cir. 2021).

Kahoot! argues that reliance on purported “settled expectations” exceeds the Director’s statutory authority. But, on that challenge, its entitlement to relief is anything but clear, as our cases have held these kinds of “*ultra vires* argument[s] cannot be a basis for granting the petition for mandamus.” *Id.* at 1382–83; *see also In re Motorola Sols., Inc.*, 159 F.4th 30, 38 (Fed. Cir. 2025); *Apple Inc. v. Vidal*, 63 F.4th 1, 12 (Fed. Cir. 2023) (noting § 314(d)’s bar on review applies to challenges that “focus directly and expressly on institution standards”). Given our limits on review and the demanding standard for relief, we deny the petition.

Accordingly,

IN RE KAHOOT! AS

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IT IS ORDERED THAT:

- (1) The amici motions are granted.
- (2) The petition is denied.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

February 25, 2026
Date

Exhibit B

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

KAHOOT! AS,
Petitioner,

v.

INTERSTELLAR INC.,
Patent Owner.

IPR2025-00696
Patent 10,339,825 B2

Before JOHN A. SQUIRES, *Under Secretary of Commerce for Intellectual
Property and Director of the United States Patent and Trademark Office.*

ORDER

IPR2025-00696
Patent 10,339,825 B2

The Office received a request for Director Review of the Decision denying institution in the above-captioned case and an authorized response to the request. *See* Papers 13, 14.

Having reviewed the request and response, it is:

ORDERED that the request for Director Review is denied.

IPR2025-00696
Patent 10,339,825 B2

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Exhibit C

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

KAHOOT! AS,
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v.

INTERSTELLAR INC.,
Patent Owner.

IPR2025-00696
Patent 10,339,825 B2

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

Interstellar Inc. (“Patent Owner”) filed a request for discretionary denial (Paper 7, “DD Req.”) in the above-captioned case, and Kahoot! AS (“Petitioner”) filed an opposition (Paper 9, “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.

Some factors counsel against discretionary denial. For example, the parallel district court proceeding involving Petitioner and Patent Owner has been stayed. DD Opp. 3.

Other factors favor discretionary denial. In particular, the challenged patent has been in force for over six years, creating strong settled expectations, and Petitioner does not provide persuasive reasoning why an *inter partes* review is an appropriate use of Board resources under these circumstances. *Dabico Airport Sols. Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21 at 2–3 (Director June 18, 2025). Petitioner’s argument that Patent Owner does not have settled expectations because Patent Owner did not previously assert the challenged patent against Petitioner does not defeat Patent Owner’s settled expectations. DD Opp. 5–8. Accordingly, in the absence of sufficient explanation, Patent Owner’s strong settled expectations tip the balance in favor of discretionary denial.

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.

IPR2025-00696
Patent 10,339,825 B2

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