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Patent Trial and Appeal Board



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[NXP USA, Inc. v. Impinj, Inc., IPR2021-01556, Paper 13 \(Sept. 7, 2022\)](#)

This Decision grants sua sponte Director review and affirms the Patent Trial and Appeal Board's (PTAB or the Board) decision denying rehearing. The Decision holds that the Board correctly determined that a stipulation not to pursue certain invalidity grounds in district court, offered by a petitioner for the first time after a decision denying institution, is not a proper basis for granting rehearing of the decision on institution. The Decision identifies that the only appropriate time for a petitioner to offer a stipulation related to the Fintiv factor 4 analysis is prior to the Board's decision of whether to institute review.

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