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Precedential and informative decisions

PTAB precedential and informative decisions are organized by subject matter in the accordion below. Recently designated decisions appear in the first panel. Archived decisions include those not pertinent to or less pertinent to current PTAB practice.

See the bottom of the page for alphabetical lists of all precedential and informative decisions. PTAB retired the Excel workbooks containing all PTAB precedential and informative decisions.

A **precedential** decision establishes binding authority concerning major policy or procedural issues, or other issues of exceptional importance, including constitutional questions, important issues regarding statutes, rules, and regulations, important issues regarding case law, or issues of broad applicability to the Board (see [Standard Operating Procedure 2](#)).

An **informative** decision provides Board norms on recurring issues, guidance on issues of first impression to the Board, guidance on Board rules and practices, and guidance on issues that may develop through analysis of recurring issues in many cases (see [Standard Operating Procedure 2](#)).

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▾ Recently designated decisions

Precedential

- [Ecto World, LLC v. RAI Strategic Holdings, Inc.](#) (§ A), IPR2024-01280, Paper 13 (May 19, 2025) (designated: May 19, 2025) [AIA § 325(d) -clarifying application of *Advanced Bionics* and *Becton Dickinson* and addressing the application of § 325(d) where asserted prior art is included on voluminous IDS] (Director Review decision)

Informative

- [CrowdStrike, Inc. v. GoSecure, Inc.](#), IPR2025-00068 & IPR2025-00070, Paper 25 (June 25, 2025) (designated: June 26, 2025) [AIA § 314(a) -vacating decisions granting institution of two parallel petitions where a petitioner offers distinct claim constructions in each petition, and

remanding for the Board to institute at most one petition given the overlap in claims] (Director Review decision)

- [Hulu, LLC v. Piranha Media Distribution, LLC](#), IPR2024-01252 & IPR2024-01253, Paper 27 (April 17, 2025) (designated: May 7, 2025) [AIA § 314(a) – vacating decision granting institution when a district court has already found the challenged claims invalid under § 101] (Director Review decision)
- [Cambridge Mobile Telematics, Inc. v. Sfara, Inc.](#) (majority opinion), IPR2024-00952, Paper 12 (December 13, 2024) (designated: March 20, 2025) [AIA – denying institution where a petitioner argues for a means-plus-function construction in district court and a plain and ordinary meaning construction in a petition, but fails to explain the difference in claim construction positions or, alternatively, to provide a means-plus-function construction]

▼ Patent eligibility - 35 U.S.C. § 101

▼ Statutory subject matter

Precedential

- [Ex parte Mewherter](#), 2012-007692 (May 8, 2013) [machine readable storage medium]

Informative

- [Ex parte Hannun \(formerly Ex parte Linden\)](#), 2018-003323 (April 1, 2019) [applying 2019 revised guidance]
- [Ex parte Smith](#), 2018-000064 (February 1, 2019) [applying 2019 revised guidance]
- [Ex parte Olson](#), 2017-006489 (March 25, 2019) [applying 2019 revised guidance]
- [Ex parte Kimizuka](#), 2018-001081 (May 15, 2019) [applying 2019 revised guidance]
- [Ex parte Savescu](#), 2018-003174 (April 1, 2019) [applying 2019 revised guidance]
- [Ex parte Fautz](#), 2019-000106 (May 15, 2019) [applying 2019 revised guidance]

▼ Utility

Precedential

- [Ex parte Nehls](#), 2007-1823 (January 28, 2008) [computer-based system for identifying nucleic acid sequence]
- [Ex parte Bhide](#), 1995-0796 (January 31, 1996) [utility]

▼ Anticipation - 35 U.S.C. § 102

▼ Inherency

Precedential

- [Ex parte Whalen](#), 2007-4423 (July 23, 2008) [evidence and reasoning]
- [Ex parte Smith](#), 2007-1925 (June 25, 2007) [inherent capability]

Informative

- [Ex parte Bayer Cropscience, LP](#), 2011-005039 (May 16, 2011) [in preamble of method claim]
- [Ex parte Maeda](#), 2008-006267 (July 22, 2009) [proof properties are not inherent]
- [Ex parte Batteux](#), 2007-0622 (March 27, 2007) [intended treatment]

▼ Other

Precedential

- [Penumbra, Inc. v. RapidPulse, Inc.](#) (§ II.E.3) IPR2021-01466, Paper 34 (March 10, 2023) (designated: November 15, 2023) [AIA –clarifying the distinction between pre-AIA 35 U.S.C. § 102(e) and AIA 35 U.S.C. § 102(d) and holding that the requirement in *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015) that under pre-AIA 35 U.S.C. § 102(e), a reference patent’s claims must have written description support in its provisional application in order to be entitled to the filing date of the provisional application, does not apply to AIA 35 U.S.C. § 102(d)]

Informative

- [Ex parte Smith](#), 2011-003337 (February 28, 2012) [picking and choosing]
- [Ex parte Antor Media Corp.](#), 2010-007531 (October 21, 2010) [reference enablement]
- [Ex parte Chuang](#), 2008-5143 (November 13, 2008) [cDNA]
- [Ex parte May](#), 2006-1776 (April 30, 2007) [qualification as § 102(e) prior art]
- [Ex parte Ashkenazi](#), 2005-2208 (October 20, 2005) [qualification as § 102(e) prior art]
- [Spalding v. Hartsell](#), Int. 104,699, Paper 92 (2002) [printed publication]

▼ Obviousness - 35 U.S.C. § 103

▼ Person of ordinary skill in the art

Informative

- [Ex parte Jud](#), 2006-1061 (January 30, 2007) [evidence considered]
- [Dionne v. Liotta](#), Int. 104,333, Paper 119 (October 31, 2001) [evidence in support]

▼ Analogous art

Informative

- [Ex parte Talkowski](#), 2012-002290 (May 24, 2013) [two-step test]
- [Ex parte Dart](#), 2007-1325 (August 22, 2007) [pertinent to same problem]

▼ Rationales

Precedential

- [Ex parte Whalen](#), 2007-4423 (July 23, 2008) [optimizing a variable]
- [Ex parte Fu](#), 2008-0601 (March 31, 2008) [obvious to try species]
- [Ex parte Catan](#), 2007-0820 (July 3, 2007) [substitution]
- [Ex parte Smith](#), 2007-1925 (June 25, 2007) [substitution]
- [Ex parte Kubin](#), 2007-0819 (May 31, 2007) [obvious to try]

Informative

- [Hulu, LLC v. Sound View Innovations, LLC](#), Case IPR2018-00582, Paper 34 (August 5, 2019) [no claims unpatentable – insufficient reason to combine references]
- [Johns Manville Corp. v. Knauf Insulation, Inc.](#), Case IPR2018-00827, Paper 9 (October 16, 2018) [denying institution – insufficient reason to combine references]
- [Ex Parte Spangler](#), 2018-003800 (February 20, 2019) [design choice]
- [Ex Parte Maeda](#), 2010-009814 (October 23, 2012) [design choice]
- [Ex parte Dart](#), 2007-1325 (August 22, 2007) [predictable results]
- [Ex parte McBrearty](#), 2007-1340 (July 27, 2007) [finite solutions]
- [Ex parte Righi](#), 2007-0590 (July 25, 2007) [known elements; fewer than all references]

▼ Secondary considerations

Precedential

- [Lectrosonics, Inc. v. Zaxcom, Inc.](#), Case IPR2018-01129, Paper 33 (January 24, 2020) [addressing Fox Factory and nexus to objective indicia of non-obviousness]
- [Ex Parte Quist](#), 2008-001183 (June 2, 2010) [nexus, declaration testimony]
- [Ex parte Jellá](#), 2008-1619 (November 3, 2008) [nexus, commercial success]

Informative

- [Ex parte Whirlpool Corp.](#), 2013-008232 (October 30, 2013) [nexus, industry praise, commercial success, long-felt need, copying]
- [Ex parte Thompson](#), 2011-011620 (March 21, 2014) [obviousness analysis includes considering objective indicia of non-obviousness]
- [Ex parte Smith](#), 2011-003337 (February 28, 2012) [unexpected results]
- [Ex parte McCann](#), 2008-0785 (May 29, 2008) [commercial success, long-felt need]
- [Ex parte Wright](#), 2006-0003 (April 6, 2006) [commercial success, copying, long-felt need]

▼ Specification and claim requirements - 35 U.S.C. § 112

▼ Enablement

Precedential

- [Ex parte Kubin](#), 2007-0819 (May 31, 2007) [species-genus enablement]
- [Ex parte Bhide](#), 1995-0796 (January 31, 1996) [as related to utility]

Informative

- [Ex parte POD-NERS, L.L.C.](#), 2007-3938 (April 29, 2008) [undue experimentation]
- [Ex parte Hicks](#), 2007-2715 (November 13, 2007) [scope]

▼ Written description

Informative

- [Ex parte Porro](#), 2008-0184 (March 11, 2008) [species-genus]
- [Ex parte Gleave](#), 2005-2447 (January 31, 2006) [examiner burden]
- [Preputnick v. Provencher](#), Int. 104,693, Paper 60 (2002) [expert testimony]

▼ Indefiniteness

Precedential

- [Ex parte McAward](#) (§ I.B), 2015-006416 (August 25, 2017) [indefiniteness during prosecution]
- [Ex parte Rodriguez](#), 2008-000693 (October 1, 2009) [algorithm]
- [Ex parte Catlin](#), 2007-3072 (February 3, 2009) [algorithm]
- [Ex parte Miyazaki](#), 2007-3300 (November 19, 2008) [amenable to two or more constructions]

Informative

- [Ex parte Kim](#), 2007-3980 (May 29, 2008) [lack of specification guidance]
- [Ex parte POD-NERS, L.L.C.](#), 2007-3938 (April 29, 2008) [scope]
- [Ex parte Bobrowski](#), 2008-0580 (March 31, 2008) [In re Steele]
- [Ex parte Hicks](#), 2007-2715 (November 13, 2007) [scope]
- [Ex parte Lazzara](#), 2007-0192 (November 13, 2007) [term of degree]

▼ Means-plus-function

Precedential

- [Ex parte Rodriguez](#), 2008-000693 (October 1, 2009) [algorithm]
- [Ex parte Catlin](#), 2007-3072 (February 3, 2009) [algorithm]

Informative

- [Sanada v. Reynolds](#), Int. 105,029, Paper 21 (March 19, 2003) [functional claiming]

▼ Multiple Dependent Claims

Precedential

- [Nested Bean, Inc. v. Big Beings Pty Ltd.](#), Case IPR2020-01234, Paper 42 (February 24, 2023) [AIA, 35 U.S.C. § 112, fifth paragraph – granting rehearing and modifying the Final Written Decision, addressing the treatment of multiple dependent claims]

▼ Plant patents - 35 U.S.C. § 161

Informative

- [Ex parte Beineke](#), 2007-4215 (July 31, 2008) [“uncultivated state”]
- [Ex parte Beineke](#), 2007-3882 (July 30, 2008) [“uncultivated state”]

▼ Design patents – 35 U.S.C. § 171

Informative

- [Sattler Tech Corp. v. Humancentric Ventures, LLC](#), Case PGR2019-00030, Paper 9 (July 26, 2019) [AIA § 321 - instituting review, design patent, alleged lack of ornamentality]

▼ Reissue - 35 U.S.C. § 251

Informative

- [Ex parte Wellerdieck](#), 2007-1119 (May 4, 2007) [term]
- [Ex parte Adams](#), 2007-0441 (March 14, 2007) [changes to indefinite claims]
- [Ex parte Kraus](#), 2005-0841 (September 21, 2006) [recapture]
- [Ex parte Kraus](#), 2005-0841 (February 22, 2006) [recapture]

▼ Claim construction

Precedential

- [Ex parte McAward](#) (§ I.B), 2015-006416 (August 25, 2017) [indefiniteness during prosecution]
- [Ex parte Schulhauser](#), 2013-007847 (April 28, 2016) [conditional language]
- [Ex parte Miyazaki](#), 2007-3300 (November 19, 2008) [indefinite if amenable to two or more constructions]

Informative

- [Ex parte Vegas Amusements, Inc.](#), 2012-001010 (Dec 9, 2011) [broadest reasonable interpretation]
- [Ex parte Givens](#), 2009-003414 (August 6, 2009) [construe in light of specification]
- [Ex parte Moon](#), 2008-005829 (July 22, 2009) [construe in light of specification]
- [Ex parte Frenk](#), 2009-005654 (June 19, 2009) [construing “substantially”]

▼ Issue preclusion

Informative

- [Ex parte Ditzik](#), 2018-000087 (March 2, 2018) [precluded by prior district court adjudication]
- [Ex parte Shaw](#), 1997-3258 (December 19, 2005) [precluded by administrative adjudication]
- [Ex parte Shaw](#), 1997-3258 (May 21, 2004) [precluded by administrative adjudication]

▼ Non-functional descriptive material

Precedential

- [Ex parte Nehls](#), 2007-1823 (January 28, 2008) [nucleic acid sequence as input to computer program]

Informative

- [Ex parte Hansen](#), 2007-3424 (May 13, 2008) [decal]
- [Ex parte Mathias](#), 2005-1851 (August 19, 2005) [broadcast television content]
- [Ex parte Curry](#), 2005-0509 (June 30, 2005) [data in database]

▼ Expert testimony

Precedential

- [Xerox Corp. v. Bytemark, Inc.](#), IPR2022-00624, Paper 9 (August 24, 2022) (designated: February 10, 2023) [AIA, denying institution – holding declaration is entitled to little weight when it contains an exact restatement of the petition’s unsupported, conclusory assertions without any additional supporting evidence or reasoning]

Informative

- [Ex parte Baxter Int’l, Inc.](#) 2009-006493 (March 18, 2010) [considering expert testimony]

▼ Expanded panels

Informative

- [Gen. Plastic Indus. Co. v. Canon Kabushiki Kaisha](#), Case IPR2016-01357 et al., Paper 19 (September 6, 2017) [reasons for expansion]
- [AOL Inc. v. Coho Licensing LLC](#), Case IPR2014-00771, Paper 12 (March 24, 2015) [dissent in original decision insufficient reason to expand]

▼ Issues specific to ex parte appeals

▼ Jurisdictional issues

Precedential

- [Ex parte Quist](#), 2008-001183 (June 2, 2010) [scope of rehearing]
- [Ex parte Frye](#), 2009-006013 (February 26, 2010) [scope of review of Examiner's decision]
- [Ex parte Letts](#), 2007-1392 (January 31, 2008) [offers to cancel claims]
- [Ex parte Lemoine](#), 94-0216 (December 27, 1994) [jurisdiction for appeal]

▼ Petitionable matters

Informative

- [Ex parte Boer](#), 2009-010590 (May 21, 2012) [petitionable not appealable]

▼ Double patenting

Precedential

- [Ex parte Moncla](#), 2009-006448 (June 22, 2010) [premature to address provisional rejection]

Informative

- [Ex parte Jerg](#), 2011-000044 (April 17, 2012) [not reaching provisional double patenting]
- [Ex parte Tullis](#), 2006-0210 (May 17, 2006) [obvious-type double patenting]

▼ Antedating prior art, 37 C.F.R. § 1.131

Informative

- [Ex parte Daniels](#), 2008-0568 (May 20, 2009) [evaluating sufficiency of affidavit]

▼ Official notice

Informative

- [Ex parte Fletcher](#), 2009-007416 (January 26, 2010) [failure to traverse]

▼ Appellant's response to rejection

Informative

- [Ex parte Belinne](#), 2009-004693 (August 10, 2009) [burden to identify error]

▼ New grounds of rejection

Informative

- [Ex parte Janakiraman](#), 2008-0998 (May 6, 2009) [fairness]
- [Ex parte Sami Chems. & Extracts, Ltd.](#), 2007-3482 (February 2, 2009) [claim construction]

▼ Printed Publication

Precedential

- [Ex parte Grillo-López](#), 2018-006082 (January 31, 2020) [printed publication]

▼ Issues specific to AIA trial proceedings

▼ Inter partes review, 35 U.S.C. § 311(a)

Precedential

- [Athena Automation Ltd. v. Husky Injection Molding Sys. Ltd.](#) (§ II.A), Case IPR2013-00290, Paper 18 (October 25, 2013) [assignor estoppel]

▼ Inter partes review scope – 35 U.S.C. § 311(b)

Precedential

- [Hulu, LLC v. Sound View Innovations, LLC](#), Case IPR2018-01039 (PTAB December 20, 2019) (Designated: December 20, 2019) (Paper 29) [AIA § 311(b), for purposes of institution, a petitioner must show a reasonable likelihood that an asserted reference qualifies as a printed publication] (Precedential Opinion Panel decision)

Informative

- [Argentum Pharmaceuticals LLC v. Research Corporation Technologies, Inc.](#) (§ II.B), Case IPR2016-00204, Paper 19 (May 23, 2016) [AIA § 311(b) –discussing evidence related to determining whether an asserted reference qualifies as a printed publication]
- [Seabery North America Inc. v. Lincoln Global, Inc.](#) (§ II.A.i), Case IPR2016-00840, Paper 11 (October 6, 2016) [AIA § 311(b) –determining, for purposes of institution, Petitioner made a sufficient showing that a reference qualifies as a printed publication]
- [Sandoz Inc. v. AbbVie Biotechnology Ltd.](#) (§ III.C.1), Case IPR2018-00156, Paper 11 (June 5, 2018) [AIA § 311(b) –determining, for purposes of institution, Petitioner made a sufficient showing that a reference qualifies as a printed publication]
- [In-Depth Geophysical, Inc. v. ConocoPhillips Company](#) (§ I.E), Case IPR2019-00849, Paper 14 (September 6, 2019) [AIA § 311(b) –determining, for purposes of institution, Petitioner failed to make a sufficient showing that a reference qualifies as a printed publication]

▼ Petition fee, 35 U.S.C. § 312(a)(1)

Precedential

- [Toshiba America Electronic Components, Inc. v. Monument Peak Ventures, LLC](#), IPR2021-00330, Paper 20 (January 14, 2022) [AIA § 312(a)(1), Fedwire confirmation as evidence supporting payment of petition filing fee] (Precedential Opinion Panel decision)

▼ Real parties in interest, 35 U.S.C. §§ 312(a)(2), 322(a)(2)

Precedential

- [RPX Corp. v. Applications in Internet Time, LLC](#), IPR2015-01750, Paper 128 (October 2, 2020) [AIA §§ 312(a)(2), 315(b) –unnamed party is an RPI and Petition was time-barred]
- [SharkNinja Operating LLC v. iRobot Corp.](#), IPR2020-00734, Paper 11 (October 6, 2020) – [AIA § 312(a)(2), instituting review –no RPI analysis necessary at institution absent allegation of time bar or estoppel based on unnamed RPI]
- [Adello Biologics LLC v. Amgen Inc.](#), Case PGR2019-00001, Paper 11 (February 14, 2019) [AIA § 322(a)(2), pre-institution update to Mandatory Notices to add RPI]
- [Proppant Express Investments, LLC v. Oren Techs., LLC](#), Case IPR2017-01917, Paper 86 (February 13, 2019) [AIA §§ 312(a)(2), 315(b), post-institution update to Mandatory Notices to add RPI]
- [Ventex Co., Ltd. v. Columbia Sportswear N. Am., Inc.](#), Case IPR2017-00651, Paper 152 (January 24, 2019) [AIA §§ 312(a)(2), 315(b), terminating proceeding where Petition failed to name time-barred RPI and privy]

- [Lumentum Holdings, Inc. v. Capella Photonics, Inc.](#), Case IPR2015-00739, Paper 38 (March 4, 2016) [changes]

Informative

- [TRW Auto. U.S. LLC v. Magna Elecs., Inc.](#), Case IPR2014-00293 et al., Paper 18 (June 27, 2014) [“related” parties]

▼ Requirements of Petition, 35 U.S.C. §§ 312(a)(3)

Informative

- [Adaptics Ltd. v. Perfect Co.](#), Case IPR2018-01596, Paper 20 (March 6, 2019) [AIA §§ 312(a)(3), 314(a), deny institution – failure to identify grounds with particularity]

▼ Institution, 35 U.S.C. § 314(a)

Precedential

- [CommScope Techs. LLC v. Dali Wireless, Inc.](#), IPR2022-01242, Paper 23 (February 27, 2023) [AIA – ordering rehearing, vacating decision granting institution, and remanding proceeding to the Board; the Board must first address *Fintiv* factors 1-5, and should engage the compelling merits question only if that analysis favors discretionary denial; when addressing compelling merits, the Board must provide reasoning, beyond pointing to its analysis under the lower institution standard, to explain and support its determination, sufficient to allow for review of that decision] (*sua sponte* Director Review decision)
- [Code200, UAB v. Bright Data, Ltd.](#), IPR2022-00861 & IPR2022-00862, Paper 18 (August 23, 2022) [AIA § 314(a), vacating decision denying institution – analysis of *General Plastic* factors relating to a second-filed petition when the first-filed petition was not evaluated on the merits] (*sua sponte* Director Review decision)
- [Sotera Wireless, Inc. v. Masimo Corporation](#) (§ II.A), IPR2020-01019, Paper 12 (December 1, 2020) [AIA § 314(a), instituting review – *Fintiv* analysis, Petitioner filed broad stipulation to limit grounds in district court]
- [Snap, Inc. v. SRK Technology LLC](#) (§ II.A), IPR2020-00820, Paper 15 (October 21, 2020) [AIA § 314(a), instituting review – *Fintiv* analysis, district court proceeding stayed]
- [Apple Inc. v. Uniloc 2017 LLC](#), IPR2020-00854, Paper 9 (October 28, 2020) – [AIA §§ 314(a), 315(c), denying institution and joinder motion – analysis of *General Plastic* factors based on follow-on copycat petition]
- [Apple Inc. v. Fintiv, Inc.](#), Case IPR2020-00019, Paper 11 (March 20, 2020) [AIA § 314(a) - authorizing supplemental briefing to address the factors related to a co-pending parallel proceeding]

- **Oticon Medical AB v. Cochlear Limited (§ II.B and II.C)**, Case IPR2019-00975, Paper 15 (October 16, 2019) (designated: March 24, 2020) [AIA §§ 314(a), 325(d) – declining to exercise § 325(d) discretion based on prosecution activity, or § 314(a) discretion, distinguishing NHK]
- **Valve Corp. v. Elec. Scripting Prods., Inc.**, Case IPR2019-00064, -00065, -00085, Paper 10 (May 1, 2019) [AIA § 314(a), deny institution – General Plastic factor 1 applies to joined Petitioner]
Valve Corp. v. Elec. Scripting Prods., Inc., Case IPR2019-00062, -00063, -00084, Paper 11 (April 2, 2019) [deny institution – General Plastic factors apply to different Petitioner]
- **NHK Spring Co., Ltd. v. Intri-Plex Techs., Inc.**, Case IPR2018-00752, Paper 8 (September 12, 2018) [deny institution – prior art previously considered, co-pending district court proceeding nearing completion]
- **Gen. Plastic Indus. Co. v. Canon Kabushiki Kaisha** (§ II.B.4.i), Case IPR2016-01357 et al., Paper 19 (September 6, 2017) [discretionary factors re: multiple petitions]

Informative

- **CrowdStrike, Inc. v. GoSecure, Inc.**, IPR2025-00068 & IPR2025-00070, Paper 25 (June 25, 2025) (designated: June 26, 2025) [AIA § 314(a) -vacating decisions granting institution of two parallel petitions where a petitioner offers distinct claim constructions in each petition, and remanding for the Board to institute at most one petition given the overlap in claims] (Director Review decision)
- **Hulu, LLC v. Piranha Media Distribution, LLC**, IPR2024-01252 & IPR2024-01253, Paper 27 (April 17, 2025) (designated: May 7, 2025) [AIA § 314(a) – vacating decision granting institution when a district court has already found the challenged claims invalid under § 101] (Director Review decision)
- **Cambridge Mobile Telematics, Inc. v. Sfara, Inc.** (majority opinion), IPR2024-00952, Paper 12 (December 13, 2024) (designated: March 20, 2025) [AIA – denying institution where a petitioner argues for a means-plus-function construction in district court and a plain and ordinary meaning construction in a petition, but fails to explain the difference in claim construction positions or, alternatively, to provide a means-plus-function construction]
- **Apple Inc. v. Fintiv, Inc.**, Case IPR2020-00019, Paper 15 (May 13, 2020) [AIA § 314(a), deny institution – Fintiv factors weighed in favor of exercising discretion to deny institution]
- **Sand Revolution II, LLC v. Continental Intermodal Group – Trucking LLC**, Case IPR2019-01393, Paper 24 (June 16, 2020) [AIA § 314(a), instituting review – Fintiv factors weighed against exercising discretion to deny institution]
- **Adaptics Ltd. v. Perfect Co.**, Case IPR2018-01596, Paper 20 (March 6, 2019) [AIA §§ 312(a)(3), 314(a), deny institution – failure to identify grounds with particularity]
- **Chevron Oronite Co. LLC v. Infineum USA L.P.**, Case IPR2018-00923, Paper 9 (November 7, 2018) [insufficient number of proposed grounds/challenges to claims meet reasonable likelihood standard]

- [Deeper, UAB v. Vexilar, Inc.](#), Case IPR2018-01310, Paper 7 (January 24, 2019) [insufficient number of proposed grounds/challenges to claims meet reasonable likelihood standard]

▼ Bar due to petitioner's action, 35 U.S.C. § 315(a)

Precedential

- [Cisco Systems, Inc. v. Chrimar Systems, Inc.](#), Case IPR2018-01511, Paper 11 (January 31, 2019) [AIA § 315(a)(1) – applying Click-to-Call to petitioner's action and denying institution]

Informative

- [Colas Sols, Inc. v. Blacklidge Emulsions, Inc.](#), Case IPR2018-00242, Paper 9 (February 27, 2018) [deny institution and joinder – prior declaratory judgment action]

▼ Bar due to patent owner's action, 35 U.S.C. § 315(b)

Precedential

- [RPX Corp. v. Applications in Internet Time, LLC](#), IPR2015-01750, Paper 128 (October 2, 2020) [AIA §§ 312(a)(2), 315(b) – unnamed party is an RPI and Petition was time-barred]
- [Infiltrator Water Techs., LLC, v. Presby Patent Trust](#), Case IPR2018-00224, Paper 18 (October 1, 2018) [AIA § 315(b) – applying Click-to-Call to a complaint dismissed without prejudice for lack of personal jurisdiction]
- [GoPro, Inc. v. 360Heros, Inc.](#), Case IPR2018-01754, Paper 38 (August 23, 2019) [AIA § 315(b), one-year time bar triggered after the service of a complaint, regardless of whether the serving party lacked standing to sue or the pleading was otherwise deficient]
- [Proppant Express Investments, LLC v. Oren Techs., LLC](#), Case IPR2017-01917, Paper 86 (February 13, 2019) [AIA §§ 312(a)(2), 315(b), post-institution update to Mandatory Notices to add RPI]
- [Ventex Co., Ltd. v. Columbia Sportswear N. Am., Inc.](#), Case IPR2017-00651, Paper 152 (January 24, 2019) [AIA §§ 312(a)(2), 315(b), terminating proceeding where Petition failed to name time-barred RPI and privy]
- [LG Elecs., Inc. v. Mondis Tech. Ltd.](#), Case IPR2015-00937, Paper 8 (September 17, 2015) [“a complaint”; dismissal with/without prejudice]

Informative

- [Luv N' Care, Ltd. v. McGinley](#), Case IPR2017-01216, Paper 13 (September 18, 2017) [insufficient funds at filing]

- [Amneal Pharmaceuticals, LLC. v. Endo Pharmaceuticals Inc.](#), Case IPR2014-00360, Paper 15 (June 27, 2014) [district court motion to amend complaint]
- [TRW Auto. U.S. LLC v. Magna Elecs., Inc.](#), Case IPR2014-00293 et al., Paper 18 (June 27, 2014) [district court motion to amend]
- [Motorola Mobility LLC v. Patent of Michael Arnouse](#), Case IPR2013-00010, Paper 20 (January 30, 2013) ["served with a complaint"]

▼ Joinder, 35 U.S.C. § 315(c)

Precedential

- [Apple Inc. v. Uniloc 2017 LLC](#), Case IPR2020-00854, Paper 9 (October 28, 2020) – [AIA §§ 314(a), 315(c), denying institution and joinder motion – analysis of General Plastic factors based on follow-on copycat petition]

Informative

- [ZTE Corp. v. ContentGuard Holdings Inc.](#), Case IPR2013-00454, Paper 12 (September 25, 2013) [deny institution where joinder denied]

▼ Motions to amend, 35 U.S.C. § 316(d)

Precedential

- [Amazon.com, Inc. v. Uniloc Luxembourg S.A.](#), Case IPR2017-00948, Paper 34 (January 18, 2019) [AIA § 316(d), grounds that can be raised against substitute claims]
- [Lectrosonics, Inc. v. Zaxcom, Inc.](#), Case IPR2018-01129, 01130, Paper 15 (February 25, 2019) [AIA § 316(d), requirements and burden]

Informative

- [Kokusai Electric Corporation v. ASM IP Holding B.V.](#), Case IPR2018-01151, Paper 38 (August 20, 2019) [granting joint motion to terminate, not deciding motion to amend]

▼ Bar due to petitioner's action, 35 U.S.C. § 325(a)(1)

Precedential

- [SecureBuy, LLC v. CardinalCommerce Corp.](#), Case CBM2014-00035, Paper 12 (April 25, 2014) [deny institution – prior complaints]

▼ Multiple proceedings, 35 U.S.C. § 325(d)

Precedential

- **Ecto World, LLC v. RAI Strategic Holdings, Inc.** (§ A), IPR2024-01280, Paper 13 (May 19, 2025) (designated: May 19, 2025) [AIA § 325(d) -clarifying application of *Advanced Bionics* and *Becton Dickinson* and addressing the application of § 325(d) where asserted prior art is included on voluminous IDS] (Director Review decision)
- **Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH**, Case IPR2019-01469, Paper 6 (February 13, 2020) (designated: March 24, 2020) [AIA § 325(d) –setting forth two-part framework; denies institution]
- **Oticon Medical AB v. Cochlear Limited (§ II.B and II.C)**, Case IPR2019-00975, Paper 15 (October 16, 2019) (designated: March 24, 2020) [AIA §§ 314(a), 325(d) –declining to exercise § 325(d) discretion based on prosecution activity, or § 314(a) discretion, distinguishing NHK]
- **Becton, Dickinson & Co. v. B. Braun Melsungen AG** (§ III.C.5, first paragraph), Case IPR2017-01586, Paper 8 (December 15, 2017) [AIA § 325(d) –delineating discretionary factors]

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- **PUMA North America, Inc. v. NIKE, Inc.**, Case IPR2019-01042, Paper 10 (October 31, 2019) (designated: March 24, 2020) [AIA § 325(d) –denying institution based on prosecution activity]
- **Becton, Dickinson & Co. v. B. Braun Melsungen AG**, Case IPR2017-01586, Paper 8 (December 15, 2017) (designated: March 21, 2018) [AIA § 325(d), examination; applying discretionary factors]
- **Kayak Software Corp. v. Int’l Bus. Mach. Corp.**, Case CBM2016-00075, Paper 16 (December 15, 2016) (designated: March 21, 2018) [AIA § 325(d), deny institution – examination]
- **Cultec, Inc. v. Stormtech LLC**, Case IPR2017-00777, Paper 7 (August 22, 2017) [deny institution – examination]
- **Hospira, Inc. v. Genentech, Inc.**, Case IPR2017-00739, Paper 16 (July 27, 2017) [deny institution – examination]
- **Unified Patents Inc. v. Berman**, Case IPR2016-01571, Paper 10 (December 14, 2016) [deny institution – examination]
- **Medtronic, Inc. v. NuVasive, Inc.**, Case IPR2014-00487, Paper 8 (September 11, 2014) [deny institution – prior petition]
- **Unified Patents, Inc. v. PersonalWeb Techs., LLC**, Case IPR2014-00702, Paper 13 (July 24, 2014) [deny institution – prior petition]
- **Prism Pharma Co. v. Choongwae Pharma Corp.**, Case IPR2014-00315, Paper 14 (July 8, 2014) [deny institution – prosecution activity]
- **Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.**, Case IPR2013-00324, Paper 19

(November 21, 2013) [deny institution – prior petition]

- [ZTE Corp. v. ContentGuard Holdings Inc.](#), Case IPR2013-00454, Paper 12 (September 25, 2013) [deny institution – prior petition]

▼ Estoppel, 35 U.S.C. § 325(e)

Precedential

- [Westlake Servs., LLC v. Credit Acceptance Corp.](#), Case CBM2014-00176, Paper 28 (May 14, 2015) [claim-by-claim application]

▼ Discovery, 35 U.S.C. § 316(a)(5)

Precedential

- [Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC](#), Case IPR2012-00001, Paper 26 (March 5, 2013) [factors]
- [Bloomberg Inc. v. Markets-Alert Pty Ltd.](#), Case CBM2013-00005, Paper 32 (May 29, 2013) [factors]

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- [Arris Grp., Inc. v. C-Cation Techs., LLC](#), Case IPR2015-00635, Paper 10 (May 1, 2015) [preclusion]

▼ Incorporation by reference, 37 C.F.R. § 42.6(a)(3)

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- [Cisco Sys., Inc. v. C-Cation Techs., LLC](#), Case IPR2014-00454, Paper 12 (August 29, 2014) [incorporated evidence improper]

▼ Deposition testimony, 37 C.F.R. § 42.53

Precedential

- [Focal Therapeutics, Inc. v. SenoRx, Inc.](#), Case IPR2014-00116, Paper 19 (July 21, 2014) [deposition conduct]

Informative

- [Ariosa Diagnostics v. Isis Innovation Ltd.](#), Case IPR2012-00022, Paper 55 (August 7, 2013) [guidelines]

▼ Motion to seal and for protective order, 37 C.F.R. §§ 42.14, 42.54

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- [Argentum Pharm. LLC v. Alcon Research, Ltd.](#), Case IPR2017-01053, Paper 27 (January 19, 2018) [factors for showing good cause to seal information]

▼ Oral argument, 37 C.F.R. § 42.70

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- [DePuy Synthes Prods., Inc. v. Medidea, L.L.C.](#), Case IPR2018-00315, Paper 29 (January 23, 2019) [AIA, live testimony at oral argument]
- [K-40 Elecs., LLC v. Escort, Inc.](#), Case IPR2013-00203, Paper 34 (May 21, 2014) [AIA, live testimony at oral argument]

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- [Curt G. Joa, Inc. v. Fameccanica.data S.P.A.](#), Case IPR2016-00906, Paper 61 (June 20, 2017) [guidance on use of confidential information at hearing]

▼ Covered business method review eligibility, AIA § 18

Precedential

- [Facebook, Inc. v. Skky, LLC](#) (§ II.B.2), Case CBM2016-00091, Paper 12 (September 28, 2017) [AIA § 18, pre-institution statutory disclaimer]

▼ Request for rehearing, 37 C.F.R. § 42.71(d)

Precedential

- [Huawei Device Co., Ltd. v. Optis Cellular Tech., LLC](#), Case IPR2018-00816, Paper 19 (January 8, 2019) [AIA, procedure and standard for submitting new evidence on rehearing]

▼ Preliminary response to petition, 37 C.F.R. § 42.107

Precedential

- [General Electric Co. v. United Techs. Corp.](#), Case IPR2017-00491, Paper 9 (July 6, 2017) [AIA 37 C.F.R. § 42.107(e), pre-institution disclaimer of all challenged claims]

▼ Termination/Settlement

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- [DTN, LLC v. Farms Technology, LLC](#), Case IPR2018-01412, Paper 21 (June 14, 2019) [AIA § 317(b) –requirements for filing collateral agreements]

Informative

- [Kokusai Electric Corporation v. ASM IP Holding B.V.](#), Case IPR2018-01151, Paper 38 (August 20, 2019) [granting joint motion to terminate, not deciding motion to amend]

▼ Post-Grant Review, 35 U.S.C. § 321

Informative

- [Sattler Tech Corp. v. Humancentric Ventures, LLC](#), Case PGR2019-00030, Paper 9 (July 26, 2019) [AIA § 321 -instituting review, design patent, alleged lack of ornamentality]

▼ Abuse of Process and/or Sanctions, 37 C.F.R. § 42.12(a)

Precedential

- [Patent Quality Assurance, LLC v. VLSI Technology LLC](#), IPR2021-01229, Paper 102 (December 22, 2022) [AIA –holding Petitioner’s conduct was an abuse of the inter partes review process, sanctioning Petitioner, and determining whether the petition, based only on the record before the Board prior to institution, presents a compelling, meritorious challenge] (sua sponte Director Review decision)
- [OpenSky Industries, LLC v. VLSI Technology LLC](#), IPR2021-01064, Paper 102 (October 4, 2022) [AIA –holding Petitioner’s conduct was an abuse of the inter partes review process, sanctioning Petitioner, and remanding for a determination of whether the petition, based only on the record before the Board prior to institution, presents a compelling, meritorious challenge] (sua sponte Director Review decision)

▼ Adverse Judgment, 37 C.F.R. § 42.73(b)

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- [Apple Inc. v. Zipit Wireless, Inc.](#), IPR2021-01124 et al., Paper 14 (December 21, 2022) (designated: January 4, 2023) [AIA –vacating adverse judgments and remanding]

proceedings to confirm whether Patent Owner is indeed abandoning the contest or to issue a final written decision addressing the patentability of the challenged claims] (sua sponte Director Review decision)

▼ Issues specific to inter partes reexam

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- [Abbott Diabetes Care, Inc. v. Patent of Dexcom, Inc.](#), 2011-003298 (May 3, 2011) [SNQ determination not appealable]
- [Belkin Int'l, Inc. v. OptimumPath, LLC](#), 2011-003697 (March 30, 2011) [SNQ determination not appealable]

▼ Issues specific to interferences

▼ Jurisdiction

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- [Sauer, Inc. v. Kanzaki Kokyukoki Mfg.](#), Int. 104,311, Paper 147 (January 9, 2001) [adding patent to an interference]
- [Waterman v. Birbaum](#), Int. 104,500, Paper 4 (February 22, 2000) [abandoned application]
- [Winter v. Fujita](#), Int. 104,283, Papers 73 & 74 (November 16, 1999) [adding reissue application to an interference]
- [Housey v. Berman](#), Int. 104,347, Paper 45 (November 10, 1999) [§ 135 time bar]
- [Davis v. Hendron](#), Int. 104,044, Paper 55 (November 1, 1999) [interference between two patents]
- [Wolf v. Tomalia](#), Int. 104,274, Paper 23 (April 13, 1999) [relationship with reexaminations]
- [Griggs v. Rose](#), Int. 103,729, Paper 12 (February 24, 1999) [unpatentable subject matter]

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- [Amgen, Inc. v. Human Genome Sciences, Inc.](#), Int. 105,613, Paper 79 (June 5, 2009) [discretion to reach motions]
- [Karim v. Jobson](#), Int. 105,376, Paper 99 (February 28, 2007) [discretion to decide patentability issues]
- [Sullivan v. Bingel](#), Int. 104,818, Paper 73 (2003) [discretion to decide patentability issues]

- [Han v. Livak](#), Int. 104,670, Paper 68 (March 26, 2002) [discretion to decide patentability issues]
- [Strelchenko v. University of Massachusetts](#), Int. 104,808, Paper 88 (March 18, 2003) [§ 135 time bar]
- [Strelchenko v. Campbell](#), Int. 104,809, Paper 26 (June 10, 2002) [§ 135 time bar]
- [Ondeyka v. Shelley](#), Int. 104,709, Paper 14 (July 24, 2001) [expired patent]

▼ Motions

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- [LeVeen v. Edwards](#), Int. 104,290, Paper 240 (December 8, 2000) [general motion practice]
- [LeVeen v. Edwards](#), Int. 104,290, Paper 241 (December 8, 2000) [general motion practice]
- [Winter v. Fujita](#), Int. 104,283, Papers 73 & 74 (November 16, 1999) [improper arguments in a reply]
- [Nau v. Ohuchida](#), Int. 104,258, Paper 62 (April 30, 1999) [opportunity to respond]
- [Nau v. Ohuchida](#), Int. 104,258, Paper 57 (April 14, 1999) [admitting or denying facts]

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- [Ryan v. Young](#), Int. 105,504, Paper 116 (March 4, 2008) [general motion practice]
- [Rabbani v. Notomi](#), Int. 105,427, Paper 145 (January 25, 2008) [motion vs. reply]
- [LeVeen v. Edwards](#), Int. 104,290, Paper 348 (April 23, 2002) [striking improper brief]
- [Kopf-Sill v. Yager](#), Int. 104,718, Paper 81 (March 11, 2002) [untimely motions]
- [LeVeen v. Edwards](#), Int. 104,290, Paper 351 (2002) [untimely arguments]
- [Spalding v. Hartsell](#), Int. 104,699, Paper 92 (2002) [incorporation of arguments by reference]
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- [Lalonde v. Li](#), Int. 105,607, Paper 23 (March 19, 2008) [scope of motions list]
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- [Bamberger v. Cheruvu](#), Int. 103,844, Paper 409 (February 18, 1998) [burdens of proof]

▼ Priority

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- [Cromlish v. D.Y.](#), Int. 104,289, Paper 65 (November 21, 2000) [best mode requirement]
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Informative

- [Guthrie v. Espiau](#), Int. 105,393, Paper 94 (April 18, 2007) [amending priority statement]
- [Kundu v. Ragunathan](#), Int. 104,843, Paper 51 (October 18, 2002) [§ 102(g) abandon, suppress, or conceal]
- [Gregory v. Tsui](#), Int. 104,228, Paper 100 (January 4, 2002) [analysis of priority; § 102(g) abandon, suppress, or conceal]
- [Furman v. Cheng](#), Int. 104,523, Paper 58 (May 11, 2001) [procedure for showing]

▼ Interference-in-fact

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- [Winter v. Fujita](#), Int. 104,283, Papers 73 & 74 (November 16, 1999) [two-way patentability analysis]

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- [Rodriguez Rilo v Benedict](#), Int. 105,684, Paper 17 (March 23, 2009) [procedure for showing]
- [Stiller v. Heid](#), Int. 105,044, Paper 38 (September 16, 2003) [legal standard]
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- [Bronstein v. Roser](#), Int. 104,727, Paper 55 (January 2, 2002) [analysis of whether interference-in-fact]
- [Tseng v. Doroodian-Shoja](#), Int. 104,482, Papers 85 & 91 (2001) [analysis of whether interference-in-fact]
- [Yurek v. Yamada](#), Int. 104,627, Paper 46 (2001) [analysis of whether interference-in-fact]
- [Noelle v. Lederman](#), Int. 104,415, Paper 135 (October 19, 2001) [one-way distinctiveness]

▼ Evidence/discovery

Precedential

- [Glaxo Wellcome, Inc. v. Cabilly](#), Int. 104,532, Papers 39 & 41 (October 18, 2000) [additional discovery]

- [Shiokawa v. Maienfisch](#), Int. 104,525, Paper 65 (September 7, 2000) [additional discovery]
- [Nevel v. Hoeller](#), Int. 104,025, Paper 65 (May 10, 2000) [additional discovery]
- [Matsushima v. H.A.](#), Int. 104,354, Paper 45 (May 2, 2000) [additional discovery]
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- [Barany v. McGall](#), Int. 105,351, Paper 59 (February. 6, 2009) [circumstances when appropriate to proceed to priority phase]
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- NXP USA, Inc. v. Impinj, Inc., IPR2021-01556, Paper 13 (September 7, 2022) (De-designated: April 25, 2025) [AIA § 314(a), affirming decision denying rehearing – the only appropriate time for a petitioner to offer a stipulation related to *Fintiv* factor 4 is prior to the Board’s decision on institution] (*sua sponte* Director Review decision)
- Hunting Titan, Inc. v. DynaEnergetics Europe GmbH, Case IPR2018-00600, Paper 67 (PTAB July 6, 2020) (De-designated: October 18, 2024) [AIA § 316(d), Board may raise a ground of unpatentability that a petitioner did not advance against substitute claims under certain rare circumstances] (Precedential Opinion Panel decision)
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