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# Stewart Tackles Markets, Injunctions In Newest PTAB Reviews

By [Dani Kass](#) · [Listen to article](#)

*Law360* (September 5, 2025, 10:20 PM EDT) -- Acting [U.S. Patent and Trademark Office Director Coke Morgan Stewart](#) released 14 institution decisions in the last week, providing more insight on the scope of settled expectations and the impact of a district court preliminary injunction.

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## Stewart's Decisions

18

Deny Petition

15

Refer to PTAB

### Novel Decision: Parallel Litigation & Targeted Market

[Home Depot USA Inc.](#) has persuaded Stewart to [move forward](#) with its challenge to an H2 Intellect LLC content delivery patent. While the patent has been in force for a dozen years, creating strong settled expectations, she said that was undermined by H2 having "targeted smartphones, tablets and watches" for alleged infringement, not hardware stores.

"Home Depot is the proprietor of a chain of hardware stores and did not have reason to anticipate assertion of the patent against it," Thursday's decision stated.

Stewart had been persuaded by H2's argument that an [Eastern District of Texas](#) trial would likely take place before the PTAB's final written decision would be due, but it wasn't enough to secure a discretionary denial from the acting director.

### Novel Decision: Parallel Litigation & Settled Expectations Exceptions

Stewart also [referred](#) seven IPR petitions [Apple Inc.](#) filed over Apex [Beam Technologies LLC](#) patents to the PTAB, handing the petitions to administrative patent judges for merits review.

The parties are involved in infringement litigation in the [Western District of Texas](#), but the acting director concluded that shouldn't stop the IPRs. The final written decisions would be due before trial, and the suit is particularly complicated: It features 17 patents in 11 families, with subject matter ranging from multi-antenna transmission to failure recovery, which she said the PTAB is more fit to oversee.

Apex argued it had developed strong settled expectations that the patents wouldn't be challenged, even if they were issued in 2021 and 2023, but the acting director disagreed. She made the significant statement that, even if it doesn't apply here, "there may be good reasons why a patent owner has strong settled expectations in a patent that has been in force for two, [three](#) or four years."

### Novel Decision: Parallel Litigation, Settled Expectations & Preliminary Injunctions

The third decision with a particularly novel element featured Stewart [denying](#) two of [Amneal Pharmaceuticals Inc.](#)'s challenges to Nivagen Pharmaceutical Inc. patents covering potassium phosphate injectable drug products.

Nivagen won a preliminary injunction in September 2024 but couldn't afford the bond, so the Delaware federal judge terminated it. Still, the underlying findings were specifically based on patent validity.

Stewart said: "Under these circumstances, where the board essentially would be taking up the same preliminary issues as the district court, it is not an efficient use of office resources to revisit substantially similar subject matter that has already been considered in the parallel proceeding."

Amneal had won Stewart over on some arguments in favor of referring the petition, such as the patents being only a few years old and there's no scheduled trial date, but it wasn't enough to overcome the injunction considerations.

### Parallel Litigation, Settled Expectations, Repeated Challenges & National Security

Stewart [denied Advanced Micro Devices Inc.](#)'s two IPR petitions aimed at an Advanced Cluster Systems Inc. cluster computing patent.

The final written decision would be due on the exact scheduled trial date, Nov. 16, 2026, which she declared a neutral factor. ACS won Stewart over by having settled expectations on the six-year-old patent. She also noted that there had been two prior IPRs on the same patent, both of which failed on the merits.

AMD tried to argue that the challenge was needed for national security and, [like all others](#) who have raised this argument, was unsuccessful. The acting director said AMD failed to show how its allegedly infringing products "at the heart of AI, supercomputers and healthcare applications" would create such an interest.

"Petitioner's arguments are not narrowly tailored towards particular products, and petitioner does not sufficiently explain how national security interests warrant review of the specific patents challenged in these proceedings," she said.

### Parallel Litigation, Settled Expectations & National Security

[Taiwan Semiconductor Manufacturing Co.](#) Ltd. also raised concerns about national security concerns — along with economic and public interest concerns — in its [unsuccessful](#) challenges to five Advanced Integrated Circuit Process LLC patents and four Marlin Semiconductor Ltd. patents. TSMC had argued its semiconductors are "vital" to companies like Apple and Meta, along with missile guidance systems in the military.

Stewart used essentially the same wording as it had with AMD to show the arguments were insufficient.

For AICP, the acting director [incorporated](#) rulings she'd made in related petitions, which included finding the patents had been in force for over a decade, and the trial should begin before final written decisions would be due.

Marlin's patents are involved in a [U.S. International Trade Commission](#) proceeding where the final written decision would be due long after the agency's scheduled February hearing.

### Settled Expectations & Examiner Error

Stewart [allowed](#) TSMC to proceed with its separate challenge to a 15-year-old Marlin patent, saying it sufficiently alleged that the patent examiner made a material error during prosecution.

### Parallel Litigation, Stipulations & Settled Expectations

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Law360 has been tracking Stewart's hundreds of discretionary decisions over the last several months. You can read her previous rulings here:

- [May and June](#)
- [July 1–11](#)
- [July 12–18](#)
- [July 19–25](#)
- [July 26–Aug. 1](#)
- [Aug. 2–Aug. 8](#)
- [Aug. 9–Aug. 15](#)
- [Aug. 16–Aug. 22](#)
- [Aug. 23–Aug. 29](#)

The acting director [referred Toyota Motor Corp.](#)'s petition for post-grant review of an AutoConnect Holdings LLC patent to the board. The patent, involving user profiles stored in vehicle systems, was issued in July 2024, fitting in the window where Stewart has said she prefers challenges to take place.

Stewart also was convinced by Toyota agreeing not to raise the same grounds, or any grounds it could have raised, in district court. She has found at least one other stipulation [insufficient](#) in recent weeks for being too narrow, with the patent owners only willing to give up what could be raised in an IPR and nothing broader. PGRs already have a broader scope of invalidity grounds than IPRs.

"Petitioner's stipulation broadly covers nearly all invalidity defenses in district court," she said. "Petitioner's broad stipulation reduces the concern of inconsistent outcomes or significant duplication of efforts and strongly favors discretionary denial."

### Parallel Litigation & Settled Expectations

The acting director issued a series of decisions based only on the timing of trial in co-pending litigation and whether the patent owner had settled expectations.

On that criteria, she [denied](#) IPR petitions from JinkoSolar Co. Ltd. and NKT Photonics Inc., respectively targeting patents owned by [LONGi Green Energy Technology Co.](#) Ltd. and Omni [Continuum LLC](#). For the latter, Stewart [noted](#) that the parties had been in licensing discussions, making it clear LONGi knew about the patent.

But she referred Apple's two petitions targeting individual inventor Ferid Allani's patents, [Merck Sharp & Dohme LLC's](#) two PGR [challenges](#) to Halozyme Inc. patents, and Zhuhai [CosMX Battery Co.](#) Ltd.'s [challenge](#) to a Ningde [Amperex Technology Ltd.](#) patent.

For Allani, she [credited](#) Apple's argument that it didn't believe a license was necessary, given that the company had talked with the software inventor in 2012 and used the technology without being sued. When Allani did claim infringement, it was after the patent expired, Stewart said.

### Multiple Challenges

Stewart rejected a different CosMX petition, saying the challenger is already involved in an IPR aimed at the same Amperex patent and that it had ranked the other petition as the priority.

### Parallel Litigation & Multiple Challenges

The acting director [stopped Amazon Web Services Inc.](#)'s challenge to a Croga Innovations Ltd. internet security patent. Amazon has filed three earlier challenges to the same patent and said it was trying to fix deficiencies

from the earlier ones, but Stewart said that raises "concerns of road mapping."

She added, dispositively, that the USPTO is also reviewing the patent in an ex parte reexamination.

"It is not an appropriate use of office resources to review a patent in two separate, concurrent office proceedings," she wrote.

Stewart also noted, neutrally, that trial is scheduled to begin before the PTAB's deadline, but that statistics suggest it might start much later.

## Parallel Litigation & Examiner Error

Lastly, Stewart [blocked](#) TankLogix LLC's challenge to a SitePro Inc. patent, in another instance of the PTAB's deadline and the district court trial nearly overlapping.

TankLogix had argued that the examiner erred when reviewing some of the same prior art, but the acting director disagreed that there was a material error.

## Update

A PTAB panel has [rejected](#) Advanced Micro Devices Inc. and Pensando Systems Inc.'s challenge to an XstreamEdge Inc. data network patent licensed to Concurrent Ventures LLC, after Stewart [referred](#) it for a review of the merits in July.

--Editing by Janice Carter Brown.

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- [Apex Decision](#)
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## PTAB Case Information

### Case Title

[Advanced Micro Devices, Inc. et al. Inter Partes Review](#)

### Case Number

[IPR2025-00479](#)

### Date Filed

January 30, 2025

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### Case Title

[Zhuhai CosMX Battery Co., Ltd. Inter Partes Review](#)

### Case Number

[IPR2025-00722](#)

### Date Filed

April 01, 2025

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Case Title

[Zhuhai CosMX Battery Co., Ltd. Inter Partes Review](#)

Case Number

[IPR2025-00524](#)

Date Filed

April 02, 2025

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Case Title

[Home Depot U.S.A., Inc. Inter Partes Review](#)

Case Number

[IPR2025-00480](#)

Date Filed

April 04, 2025

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Case Title

[Toyota Motor Corp. Post grant review](#)

Case Number

[PGR2025-00041](#)

Date Filed

April 07, 2025

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Case Title

[NKT Photonics Inc. et al. Inter Partes Review](#)

Case Number



[IPR2025-00839](#)

Date Filed

April 11, 2025

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Case Title

[TankLogix, LLC Inter Partes Review](#)

Case Number

[IPR2025-00761](#)

Date Filed

April 11, 2025

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Case Title

[Amneal Pharmaceuticals, Inc. Inter Partes Review](#)

Case Number

[IPR2025-00779](#)

Date Filed

April 11, 2025

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Case Title

[Amneal Pharmaceuticals, Inc. et al. Inter Partes Review](#)

Case Number

[IPR2025-00731](#)

Date Filed

April 11, 2025

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Case Title

[Taiwan Semiconductor Manufacturing Company, Ltd. Inter Partes Review](#)

Case Number

[IPR2025-00832](#)

Date Filed

April 11, 2025

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Case Title

[Merck Sharp & Dohme LLC Post grant review](#)

Case Number

[PGR2025-00042](#)

Date Filed

April 15, 2025

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Case Title

[Taiwan Semiconductor Manufacturing Company Ltd. Inter Partes Review](#)

Case Number

[IPR2025-00829](#)

Date Filed

April 15, 2025

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Case Title

[Taiwan Semiconductor Manufacturing Company Ltd. Inter Partes Review](#)

Case Number

[IPR2025-00830](#)

Date Filed

April 15, 2025

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Case Title

[Taiwan Semiconductor Manufacturing Company Ltd. Inter Partes Review](#)

Case Number

[IPR2025-00828](#)

Date Filed

April 15, 2025

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Case Title

[Taiwan Semiconductor Manufacturing Company Ltd. Inter Partes Review](#)

Case Number

[IPR2025-00831](#)

Date Filed

April 15, 2025

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Case Title

[Advanced Micro Devices, Inc. Inter Partes Review](#)

Case Number

[IPR2025-00863](#)

Date Filed

April 16, 2025

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Case Title

[Advanced Micro Devices, Inc. Inter Partes Review](#)

Case Number

[IPR2025-00862](#)

Date Filed

April 16, 2025

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Case Title

[Taiwan Semiconductor Manufacturing Company, Ltd. et al. Inter Partes Review](#)

Case Number

[IPR2025-00864](#)

Date Filed

April 17, 2025

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Case Title

[Taiwan Semiconductor Manufacturing Company Limited et al. Inter Partes Review](#)

Case Number

[IPR2025-00848](#)

Date Filed

April 17, 2025

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Case Title

[Taiwan Semiconductor Manufacturing Company Limited et al. Inter Partes Review](#)

Case Number

[IPR2025-00847](#)

Date Filed

April 17, 2025

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Case Title

[Taiwan Semiconductor Manufacturing Company, Ltd. et al. Inter Partes Review](#)

Case Number

[IPR2025-00865](#)

Date Filed

April 17, 2025

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Date Filed

April 17, 2025

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Case Title

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Case Number

[IPR2025-00884](#)

Date Filed

April 17, 2025

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Case Title

[JinkoSolar Co., Ltd. et al. Inter Partes Review](#)

Case Number

[IPR2025-00859](#)

Date Filed

April 18, 2025

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Case Title

[Apple Inc. Inter Partes Review](#)

Case Number

[IPR2025-00856](#)

Date Filed

April 24, 2025

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[IPR2025-00857](#)

Date Filed

April 24, 2025

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[IPR2025-00910](#)

Date Filed

April 25, 2025

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[IPR2025-00909](#)

Date Filed

April 25, 2025

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[Apple Inc. Inter Partes Review](#)

Case Number

[IPR2025-00911](#)

Date Filed

April 25, 2025

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Case Number

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Date Filed

April 28, 2025

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Case Title

[Apple Inc. Inter Partes Review](#)

Case Number

[IPR2025-00901](#)

Date Filed

April 28, 2025

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Case Title

[Merck Sharp & Dohme LLC Post grant review](#)

Case Number

[PGR2025-00046](#)

Date Filed

April 29, 2025

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Case Title

[Apple Inc. Inter Partes Review](#)

Case Number

[IPR2025-00907](#)

Date Filed

April 29, 2025

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Case Title

[Apple Inc. Inter Partes Review](#)

Case Number



Date Filed

April 29, 2025

## Companies

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- [Amazon.com Inc.](#)
- [Amneal Pharmaceuticals Inc.](#)
- [Amperex Technology Ltd.](#)
- [Apple Inc.](#)
- [Beam Technologies Inc.](#)
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- [CosMX Battery Co. Ltd.](#)
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- [Taiwan Semiconductor Manufacturing Co. Ltd.](#)
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