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USPTO Policies Targeted Again In 3 New

Mandamus Petitions

By [Ryan Davis](#) · [Listen to article](#)

Law360 (November 25, 2025, 10:48 PM EST) -- Four more companies, including [Google](#) and Intel, whose challenges to patents were denied under recently enacted [U.S. Patent and Trademark Office](#) policies have filed mandamus petitions at the Federal Circuit arguing the decisions violated the law.

Google LLC's petition was filed Thursday, while [Intel Corp.](#) and [Lenovo Inc.](#) made a joint filing Monday, and KCT Kangxi Communication Technologies (Shanghai) Co. Ltd. brought a separate petition the same day.

The filings join numerous other pending requests to the Federal Circuit seeking mandamus relief from USPTO decisions rejecting patent challenges under policies established by USPTO Deputy Director Coke Morgan Stewart, when she led the agency on an acting basis before Director John Squires took office. Other petitions were [denied this month](#), including one by Google and [Samsung](#) raising a different issue.

Like several of the pending cases, including one that Sandisk Technologies Inc. [filed in September](#) that is awaiting a decision, Google's [new petition](#) took aim at the USPTO's holding that after patents have been in force for several years, the owners can have "settled expectations" that they will not be challenged, which can warrant denying inter partes review.

Google's challenges to a VirtaMove Corp. patent were [denied in July](#) on settled expectations grounds. The decision, authored by another USPTO official because Stewart was recused, noted the patent had been in force for more than 14 years.

Google told the Federal Circuit that the settled expectations policy is "extraordinary in every sense." It argued that precedent from the appeals court has held that no patentee has an expectation that their patents are immune from challenge.

Mandamus relief is needed when an agency exceeds its authority, Google said, and "in effectively declaring as a matter of policy that 'old' patents are no longer subject to IPR because the simple passage of time has purportedly given their owners 'settled expectations' that the patents will not be challenged, the USPTO has engaged in the type of shenanigans for which mandamus relief is warranted."

Intel and Lenovo's inter partes review challenge to a [USTA Technology LLC](#) patent was [denied in September](#) for a different reason: Stewart held that under the particular circumstances of the case, "the most efficient process" would be for the petitioners to file an ex parte reexamination request instead.

The tech giants [told the Federal Circuit](#) that "EPR is always an alternative to IPR" so "this rationale, if upheld, would allow the USPTO to deny IPR in any case just because EPR exists."

The decision is "irrational" and violates the Administrative Procedure Act, Intel and Lenovo said, because "in every case, IPR petitioners could try EPR instead. The USPTO had no basis to force petitioners to take that path."

They also argued that the office exceeded its authority by announcing the rationale only after the companies had paid "tens of thousands of dollars to the agency in filing fees."

Kangxi's [mandamus petition](#) also emphasized the filing fees in its challenge to both the settled expectations

policy and yet another rationale the office has used to deny petitions: that it is not an efficient use of resources to review patents that are subject to a related proceeding at the U.S. International Trade Commission.

Kangxi's petitions challenging two Skyworks Solutions patents were denied by Stewart in July on the ground that they were issued seven and 14 years ago, and that a related ITC case would end before a final decision would be due.

For several years, the USPTO had a policy that patent challenges would not be denied based on ITC cases, since the commission cannot invalidate patents, but Stewart rescinded it in February.

Kangxi told the Federal Circuit that the settled expectations and ITC rationales effectively doomed its challenges, and were put in place only after it had filed its petitions. The company said had it known that when preparing the filings last year, it would never have bothered mounting challenges and paying the USPTO the non-refundable \$38,000 in filing fees.

"Why bother filing? Why pay the government for nothing?" the company said. "That is precisely what the government is asking petitioner to do. After pocketing petitioner's filing fees, the USPTO announced new rules that would automatically doom the already filed petitions."

The office has decided to "take money under what turns out to be false pretenses," Kangxi said. It also contended that the "settled expectations" policy is "incoherent, arbitrary, and capricious" and should be abolished.

A representative of the USPTO said the office had no comment on the new petitions.

Counsel for the parties could not immediately be reached for comment Tuesday.

The patent at issue in the Google case is U.S. Patent No. 7,519,814.

The patent at issue in the Intel and Lenovo case is U.S. Patent No. RE47,720.

The patents at issue in the Kangxi case are U.S. Patent Nos. 9,917,563 and 8,717,101.

Google is represented by Nathan R. Speed and Elisabeth H. Hunt of Wolf Greenfield & Sacks PC.

Counsel for VirtaMove at the Federal Circuit was not immediately available. At the PTAB, it was represented by Russ August & Kabat.

Intel and Lenovo are represented by Debra J. McComas, Michael F. Qian and Angela M. Oliver of Haynes & Boone LLP.

Counsel for USTA at the Federal Circuit was not immediately available. At the PTAB, it was represented by the Devlin Law Firm.

Kangxi is represented by Timothy R. Shannon, Seth Coburn, John M. Baird and Patrick D. McPherson of Duane Morris LLP.

Counsel for Skyworks at the Federal Circuit was not immediately available. At the PTAB, it was represented by WilmerHale.

The cases are In re: Google LLC, case number 26-111; In re: Intel Corp. and Lenovo (United States) Inc., case number 26-113; and In re: Kangxi Communication Technologies (Shanghai) Co. Ltd., case number 26-115, all in the U.S. Court of Appeals for the Federal Circuit.

--Editing by Janice Carter Brown.

Correction: An earlier version of this story misstated the number of companies that filed petitions. The error has been corrected. The story has also been updated with a response from the USPTO.

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Case Information

Case Title

In re: Google LLC

Case Number

26-111

Court

Appellate - Federal Circuit

Nature of Suit

Date Filed

November 20, 2025

Case Title

In re: Intel Corporation

Case Number

26-113

Court

Appellate - Federal Circuit

Nature of Suit

-

Date Filed

November 24, 2025

Case Title

In re: Kangxi Communication Technologies Co., Ltd.

Case Number

26-115

Court

Appellate - Federal Circuit

Nature of Suit

-

Date Filed

November 24, 2025

Law Firms

- [Devlin Law Firm PC](#)
- [Duane Morris](#)
- [Haynes Boone](#)
- [Russ August](#)
- [WilmerHale](#)
- [Wolf Greenfield](#)

Companies

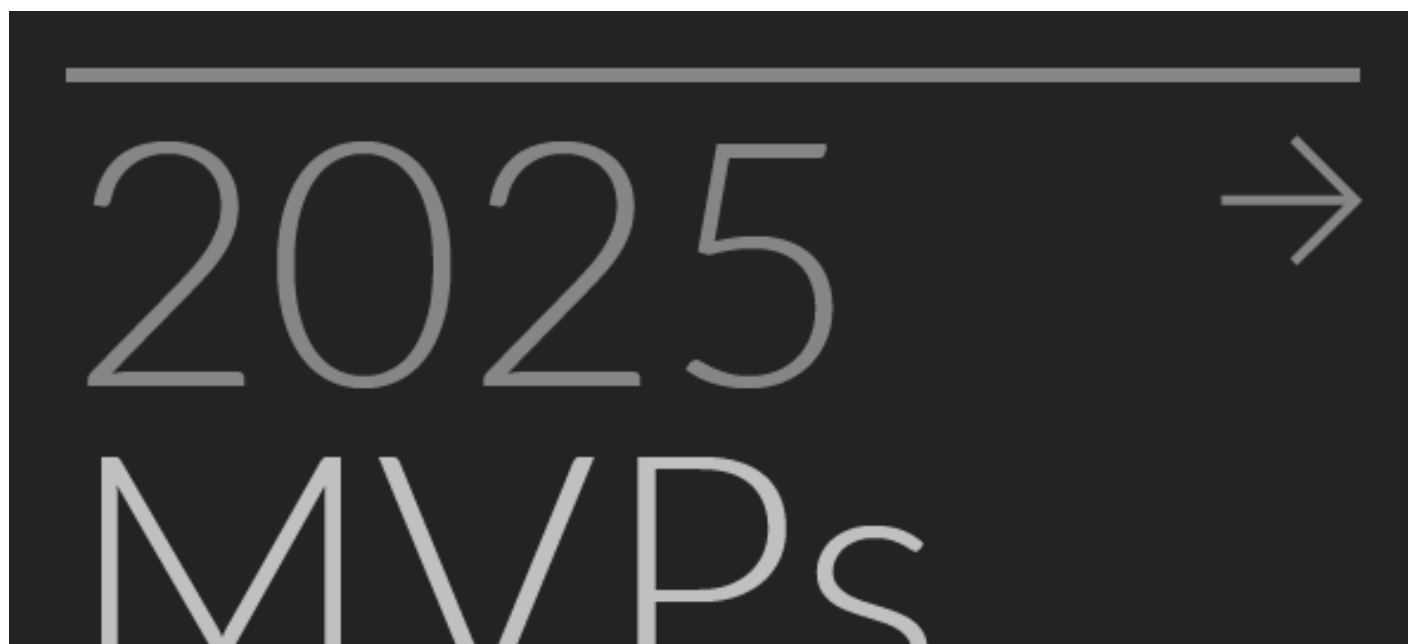
- [Google LLC](#)
- [Intel Corp.](#)
- [Lenovo Group Ltd.](#)
- [Samsung Electronics Co. Ltd.](#)
- [Skyworks Solutions Inc.](#)
- [United States Tennis Association Inc.](#)

Government Agencies

- [International Trade Commission](#)
- [U.S. Court of Appeals for the Federal Circuit](#)
- [U.S. Patent and Trademark Office](#)

Patents

- [RE47,720 - Spectrum-adaptive networking](#)
- [7,519,814 - System for containerization of application sets](#)
- [9,917,563 - Apparatus and methods for biasing of power amplifiers](#)
- [8,717,101 - Apparatus and methods for biasing power amplifiers](#)



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