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USPTO issues precedential decision detailing the principles underlying the Director's exercise of discretion

May 14, 2026

In the Magnolia Medical Technologies, Inc. v. Kurin, Inc. Decision on May 14, 2026, the USPTO Director explains that, in the Leahy-Smith America Invents Act (AIA), Congress afforded significant discretion to the Director in instituting AIA reviews, including *inter partes* reviews (IPRs) and post-grant reviews. In exercising that discretion, the Director considers public interest factors, including the economy, efficient administration of the Office, the ability of the Office to timely complete AIA reviews, and the integrity of the patent system.

Applying these principles, the Director denies institution of the IPR as outside the purpose of AIA reviews. The Director determines that the petitioner is not using the IPR process as an alternative to litigation and, instead, is seeking a repeat challenge after it had already litigated the same issues in the district court and lost.

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