

UNITED STATES
PATENT AND TRADEMARK OFFICE



Boardside chat: Recently designated PTAB precedent

Scott Weidenfeller, Vice Chief Administrative Patent Judge

Amanda Wieker, Administrative Patent Judge

Kevin Cherry, Administrative Patent Judge

September 5, 2019

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Question/comment submission

To send in questions or comments during the webinar, please email:

PTABBoardsideChat@uspto.gov

Recently designated PTAB precedent

- On May 23, 2019, PTAB held a webinar discussing recently designated precedential and informative decisions.
- For information on these earlier designated decisions, the presentation and video can be accessed at:
 - <https://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/procedures/archived-list-previous-ptab>

Agenda

- CAFC split decision study
- Decisions issued via the Precedential Opinion Panel (POP)
- Decisions designated as precedential or informative
 - Topic 1: 35 U.S.C. 314(a)
 - Topic 2: 35 U.S.C. 325(d)
 - Topic 3: Deposition Conduct
 - Topic 4: 35 U.S.C. 312(a)(3)
 - Topic 5: 35 U.S.C. 101
- How to find PTAB precedent

CAFC split decision study

Purpose of Study

- Analyzed certain issues that triggered splits at the Federal Circuit and the Patent Trial & Appeal Board ("Board")
- Reviewed how the law has since developed with respect to those issues

PHASE 1:
Split Decisions at the Federal
Circuit on Appeal from the Board
(FY2013-FY2018)

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Splits at the CAFC

- The Court of Appeals for the Federal Circuit split on several issues related to PTAB procedure
- Some of those issues have since been resolved

Issues in CAFC splits

- **Applying broadest reasonable interpretation (BRI) claim construction standard**
 - Arose in Synopsys, Inc. v. Mentor Graphics Corp., 814 F.3d 1309 (Fed. Cir. 2016) (Newman, J., dissenting); In re Cuozzo Speed Techs., LLC, 793 F.3d 1268 (Fed. Cir. 2015) (Newman, J., dissenting).
 - First resolved by the Supreme Court in Cuozzo Speed Techs., LLC v. Lee, 136 S. Ct. 2131 (2016) (holding that the AIA authorizes the Board's application of BRI).
 - Ultimately, changed to *Phillips* claim construction standard per the Office's rule change. 83 Fed. Reg. 51,340 (Oct. 11, 2018).
- **Instituting on only some of the claims challenged in AIA trials**
 - Arose in SAS Inst., Inc. v. Complementsoft, LLC, 825 F.3d 1341 (Fed. Cir. 2016) (Newman, J., concurring and dissenting in part); Synopsys, Inc. v. Mentor Graphics Corp., 814 F.3d 1309 (Fed. Cir. 2016) (Newman, J., dissenting).
 - Resolved in SAS Institute, Inc. v. Iancu, 138 S. Ct. 1348 (2018) (holding that the Board must reach a final decision on all petitioned claims).

Issues in CAFC splits (cont.)

- **Applying the time bar to petitions filed in response to district court complaints**

- Arose at the Federal Circuit in Click-To-Call Techs., LP v. Oracle Corp., 899 F.3d 1321 (Fed. Cir. 2018) (en banc) (Taranto, J., concurring in part) (Dyk, J., dissenting in part), *cert. granted sub nom. Dex Media, Inc. v. Click-To-Call Techs., LP*, 139 S. Ct. 2742 (2019) (mem.).
- Before the Supreme Court in Dex Media, Inc. v. Click-To-Call Techs., LP, 139 S. Ct. 2742 (2019) (mem.).

- **Joining otherwise time-barred parties to an IPR**

- Arose in Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Ltd., 868 F.3d 1013 (Fed. Cir. 2017) (en banc) (Dyk, J., concurring).
- Addressed by the Board's Precedential Opinion Panel in Proppant Express Investments, LLC v. Oren Techs., LLC, Case IPR2018-00914 (PTAB Mar. 13, 2019) (Paper 38) (Precedential Opinion Panel decision).
- At issue in Facebook, Inc. v. Windy City Innovations, LLC, No. 2018-1400 (Fed. Cir. argued Aug. 7, 2019).

PHASE 2:
Split Decisions at the Patent Trial
& Appeal Board
(FY2017-FY2018)

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Splits at the PTAB in AIA trials

- The PTAB split on issues related to:
 - joinder
 - availability as prior art and
 - discretion to deny
- Some of these issues have since been resolved

Issues in PTAB splits

- **Joining otherwise time-barred parties to an IPR**

- Arose in Fresenius Kabi USA, LLC v. Hospira, Inc., Case IPR2017-01055 (PTAB Sept. 6, 2017) (Paper 10); GlobalFoundries U.S. v. Godo Kaisha IP Bridge 1, Case IPR2017-00921 (PTAB Aug. 8, 2017) (Paper 10); Facebook Inc. v. Windy City Innovations, LLC, Case IPR2017-00659 (PTAB July 31, 2017) (Paper 11); GlobalFoundries U.S. v. Godo Kaisha IP Bridge 1, Case IPR2017-00919 (PTAB June 9, 2017) (Paper 12); Valve Corp. v. Ironburg Inventions Ltd., Case IPR2017-00136 (PTAB May 4, 2017) (Paper 12); Stingray Digital Grp. Inc. v. Music Choice, Case IPR2018-00114 (PTAB Mar. 26, 2018) (Paper 15).
- Addressed at the Board in Proppant Express Investments, LLC v. Oren Techs., LLC, Case IPR2018-00914 (PTAB Mar. 13, 2019) (Paper 38) (Precedential Opinion Panel decision).
- Currently, before the Federal Circuit in Facebook, Inc. v. Windy City Innovations, LLC, No. 2018-1400 (Fed. Cir. argued Aug. 7, 2019).

Issues in PTAB splits (cont.)

- **Availability as prior art**

- Arose in Hulu, LLC v. Sound View Innovations, LLC, Case IPR2018-00366 (PTAB July 6, 2018) (Paper 11).
- Currently, before the Board's Precedential Opinion Panel in Hulu, LLC v. Sound View Innovations, LLC, Case IPR2018-01039 (PTAB argued June 18, 2019).

- **Discretionary denials of follow-on petitions**

- Arose in Shenzhen Silver Star Intelligent Tech. Co. v. iRobot Corp., Case IPR2018-00761 (PTAB Sept. 5, 2018) (Paper 15); Pfizer Inc. v. Biogen, Inc., Case IPR2018-00285 (PTAB July 9, 2018) (Paper 10); Alere Inc. v. Rembrandt Diagnostics, LP, Case IPR2017-01130 (PTAB Sept. 28, 2017) (Paper 10).
- Addressed at the Board in Valve Corp. v. Elec. Scripting Prods., Inc., Cases IPR2019-00062, IPR2019-00063, IPR2019-00084 (PTAB Apr. 2, 2019) (Paper 11) (precedential); Gen. Plastic Indus. Co. v. Canon Kabushiki Kaisha, Case IPR2016-01357 (Sept. 6, 2017) (Paper 19) (precedential).

POP decisions and orders

POP decisions and orders

Case/appeal name	Case/appeal number	Topic	Status	Date decided
<i>Proppant Express Invs., LLC v. Oren Techs., LLC</i>	IPR2018-00914, Paper 38	AIA - Joinder - 315(c)	Decided (POP)	3/13/2019
<i>GoPro, Inc. v. 360Heros, Inc.</i>	IPR2018-01754, Paper 23	AIA - 315(b) - Time Bar	Decided (POP)	8/23/2019

Case/appeal Name	Case/appeal number	Topic	Status	Date order issued
<i>Hulu, LLC v. Sound View Innovations, LLC</i>	IPR2018-01039, Paper 15	AIA - Printed Publications	Pending (POP)	4/3/2019

35 U.S.C. 315: Relation to other proceedings or actions

- (b) Patent Owner's Action — An inter partes review may not be instituted if the petition requesting the proceeding is filed more than 1 year after the date on which the petitioner, real party in interest, or privy of the petitioner is served with a complaint alleging infringement of the patent. The time limitation set forth in the preceding sentence shall not apply to a request for joinder under subsection (c).

GoPro, Inc. v. 360Heros, Inc.

IPR2018-01754 (PTAB August 23, 2019) (Paper 38)

- Precedential Opinion Panel (POP) ordered review to address the following issue:
 - Whether the service of a pleading asserting a claim alleging infringement, where the serving party lacks standing to sue or the pleading is otherwise deficient, triggers the 1 year time period for a petitioner to file a petition under 35 U.S.C. § 315(b).
- The POP accepted additional briefing from the parties and amici and held an oral hearing on June 25, 2019. The POP issued a precedential decision on August 23, 2019.

GoPro, Inc. v. 360Heros, Inc.

IPR2018-01754 (PTAB August 23, 2019) (Paper 38)

- The POP concluded:
 - “Served with a complaint alleging infringement” in 35 U.S.C. § 315(b) is plain and unambiguous.
 - The service of a pleading asserting a claim alleging infringement triggers the one-year time period for a petitioner to file a petition under 35 U.S.C. § 315(b), regardless of whether the serving party lacked standing to sue or the pleading was otherwise deficient.

Hulu, LLC v. Sound View Innovations, LLC

IPR2018-01039 (PTAB Apr. 3, 2019) (Paper 15)

- Precedential Opinion Panel (POP) ordered review to address the following issue:
 - What is required for a petitioner to establish that an asserted reference qualifies as “printed publication” at the institution stage?
- Oral hearing held on June 18, 2019

Recent precedential decisions

Recent precedential and informative decisions

Precedential decisions (13)

- AIA - RPI - 312(a)(2), 315(b) (2)
- AIA - RPI - 322(a)(2) (1)
- AIA - Institution - 314(a) (2)
- AIA - Institution - 314(a), 325(d) (1)
- AIA - Institution - 325(d) (1)
- AIA - MTA - 316(d) (2)
- AIA - Oral Argument (2)
- AIA - Request for Rehearing (1)
- AIA - Witness Testimony (1)

Informative decisions (8)

- AIA - Institution - 312(a)(3) (1)
- AIA - Institution - 314(a) (2)
- 101 (5)

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Recent decisions designated precedential

Case/appeal name	Case/appeal number	Topic	Date issued	Date designated
<i>Proppant Express Invs., LLC v. Oren Techs., LLC</i>	IPR2017-01917, Paper 86	AIA - RPI - 312(a)(2), 315(b)	2/13/2019	4/16/2019
<i>Ventex Co., Ltd v. Columbia Sportswear North America, Inc.</i>	IPR2017-00651, Paper 152	AIA - RPI - 312(a)(2), 315(b)	1/24/2019	4/16/2019
<i>Adello Biologics LLC v. Amgen Inc.</i>	PGR2019-00001, Paper 11	AIA - RPI - 322(a)(2)	2/14/2019	4/16/2019
<i>Valve Corp. v. Elec. Scripting Prods., Inc.</i>	IPR2019-00062, -00063, -00084, Paper 11	AIA - Institution - 314(a)	4/2/2019	5/7/2019
<i>Valve Corp. v. Elec. Scripting Prods., Inc.</i>	IPR2019-00064, -00065, -00085, Paper 10	AIA - Institution - 314(a)	5/1/2019	8/2/2019
<i>NHK Spring Co., Ltd. v. Intri-Plex Techs., Inc.</i>	IPR2018-00752, Paper 8	AIA - Institution - 314(a), 325(d)	9/12/2018	5/7/2019
<i>Becton, Dickinson and Company v. B. Braun Melsungen AG</i>	IPR2017-01586, Paper 8	AIA - Institution - 325(d)	12/15/2017	8/2/2019
<i>Cisco Systems, Inc. v. Chromar Systems, Inc.</i>	IPR2018-01511, Paper 11	AIA – Institution 315(a)(1)	1/31/2019	8/29/2019

Recent decisions designated precedential (cont.)

Case/appeal Name	Case/appeal Number	Topic	Date issued	Date designated
<i>Lectrosonics, Inc. v. Zaxcom, Inc.</i>	IPR2018-01129, -01130, Paper 15	AIA - MTA - 316(d)	2/25/2019	3/7/2019
<i>Amazon.com, Inc. v. Uniloc Luxembourg S.A.</i>	IPR2017-00948, Paper 34	AIA - MTA - 316(d)	1/18/2019	3/18/2019
<i>DePuy Synthes Prods., Inc. v. MEDIDEA, L.L.C.</i>	IPR2018-00315, Paper 29	AIA - Oral Argument	1/23/2019	3/18/2019
<i>K-40 Elecs., LLC v. Escort, Inc.</i>	IPR2013-00203, Paper 34	AIA - Oral Argument	5/21/2014	3/18/2019
<i>Huawei Device Co., Ltd. v. Optis Wireless Tech., LLC</i>	IPR2018-00816, Paper 19	AIA - Request for Rehearing	1/8/2019	4/5/2019
<i>Focal Therapeutics, Inc. v. SenoRx, Inc.</i>	IPR2014-00116, Paper 19	AIA - Depositions	7/21/2014	7/10/2019

35 U.S.C. 315(a)(1): Inter partes review barred by civil action

- An inter partes review may not be instituted if, before the date on which the petition for such a review is filed, the petitioner or real party in interest filed a civil action challenging the validity of a claim of the patent.

Cisco Systems, Inc. v. Chrimar Systems, Inc.

IPR2018-01511 (PTAB Jan. 31, 2019) (Paper 11) (Precedential)

- Designated precedential on August 29, 2019.
- Denied institution under 35 U.S.C. § 315(a)(1) after applying *Click-to-Call Technologies, LP v. Ingenio, Inc.*, 899 F.3d 1321 (Fed. Cir. Aug. 16, 2018).
- Determined that § 315(a)(1) bars institution of an inter partes review of a patent where Petitioner voluntarily dismissed its earlier civil action challenging the validity of that patent. Explained that denial is appropriate because:
 - § 315(a)(1) does not include an exception for a civil action that was dismissed without prejudice and Congress knew how to, but did not provide such an exception.
 - The ordinary meanings of the terms “file” and “civil action” show that the phrase “filed a civil action” in § 315(a)(1) applies to a civil action that was dismissed without prejudice.

35 U.S.C. 314(a): Institution of inter partes review

- Threshold — The Director may not authorize an inter partes review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Discretion to institute under § 314(a)

General Plastic Indus. Co. v. Canon Kabushiki Kaisha

IPR2016-01357 (PTAB Sept. 6, 2017) (Paper 19) (§ II.B.4.i) (Precedential)

- Non-exhaustive factors (multiple petitions)
 1. Whether same petitioner previously filed a petition directed to same claims of same patent;
 2. Whether, at time of filing of first petition, petitioner knew of prior art asserted in second petition or should have known of it;
 3. Whether, at time of filing of second petition, petitioner already received patent owner's preliminary response to first petition or received Board's decision on whether to institute review in first petition;
 4. Length of time that elapsed between time petitioner learned of prior art asserted in second petition and filing of second petition;
 5. Whether petitioner provides adequate explanation for time elapsed between filings of multiple petitions directed to same claims of same patent;
 6. Finite resources of the Board; and
 7. Requirement under § 316(a)(11) to issue a final determination not later than 1 year after date on which Director notices institution of review.

Valve Corporation v. Electronic Scripting Products, Inc.,

**IPR2019-00064, -00065, -00085 (PTAB May 1, 2019) (Paper 10)
(Precedential)**

- Designated precedential on August 2, 2019
- Denied institution under 35 U.S.C. § 314(a), after applying the *General Plastic* factors
- Determined that the first *General Plastic* factor (“whether the same petitioner previously filed a petition directed to the same claims of the same patent”) applies to Petitioner because Petitioner joined a previously instituted inter partes review proceeding and, therefore, is considered to have previously filed a petition directed to the same claims of the same patent
- Explained that the Board’s application of the *General Plastic* factors is not limited to instances in which a single petitioner has filed multiple petitions

35 U.S.C. 325(d): Multiple proceedings

- . . . In determining whether to institute or order a proceeding . . . the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office.

Becton, Dickinson and Company v. B. Braun Melsungen AG

IPR2017-01586 (PTAB Dec. 15, 2017) (Paper 8) (Precedential as to the first paragraph of Section III.C.5 only; Informative for the rest)

- Designated informative on March 21, 2018
- Designated precedential on August 2, 2019 as to the first paragraph of Section III.C.5 only
- The first paragraph of Section III.C.5, identifies six non-exclusive factors that the Board considers in evaluating whether to exercise discretion, under 35 U.S.C. § 325(d), when a petition includes the same or substantially the same prior art or arguments that previously were presented to the Office, such as:
 - the similarities and material differences between the asserted art and the prior art involved during examination;
 - the cumulative nature of the asserted art and the prior art evaluated during examination;
 - the extent to which the asserted art was evaluated during examination, including whether the prior art was the basis for rejection;
 - the extent of the overlap between the arguments made during examination and the manner in which Petitioner relies on the prior art or Patent Owner distinguishes the prior art;
 - whether Petitioner has pointed out sufficiently how the Examiner erred in its evaluation of the asserted prior art; and
 - the extent to which additional evidence and facts presented in the Petition warrant reconsideration of the prior art or arguments.

Focal Therapeutics, Inc. v. SenoRx, Inc.

IPR2014-00116 (PTAB July 21, 2014) (Paper 19) (Precedential)

- Designated precedential on July 10, 2019
- Clarified the Board's Testimony Guidelines set forth in the Patent Trial Practice Guide at 77 Fed. Reg. 48756, 48772-48773 (Aug. 14, 2012) that provides:
 - *Once the cross-examination of a witness has commenced, and until cross-examination of the witness has concluded, counsel offering the witness on direct examination shall not: (a) consult or confer with the witness regarding the substance of the witness' testimony already given, or anticipated to be given, except for the purpose of conferring on whether to assert a privilege against testifying or on how to comply with a Board order; or (b) suggest to the witness the manner in which any questions should be answered.*
- Clarified that the prohibition of conferring with the witness ends once cross-examination concludes, and, if relevant, begins again when re-cross commences, and continues until re-cross concludes

Recent informative decisions

Recent decisions designated informative

Case/appeal name	Case/appeal number	Topic	Date issued	Date designated
<i>Adaptics Limited v. Perfect Company</i>	IPR2018-01596, Paper 20	AIA – Grounds – 312(a)(3)	3/6/2019	8/2/2019
<i>Deeper, UAB v. Vexilar, Inc.</i>	IPR2018-01310, Paper 7	AIA - Institution - 314(a)	1/24/2019	4/5/2019
<i>Chevron Oronite Company LLC v. Infineum USA L.P.</i>	IPR2018-00923, Paper 9	AIA - Institution - 314(a)	11/7/2018	4/5/2019
<i>Ex Parte Smith</i>	2018-000064	101	2/1/2019	3/19/2019
<i>Ex Parte Olson</i>	Appeal 2017-006489	101	3/25/2019	7/1/2019
<i>Ex Parte Kimizuka</i>	Appeal 2018-001081	101	5/15/2019	7/1/2019
<i>Ex Parte Savescu</i>	Appeal 2018-003174	101	4/1/2019	7/1/2019
<i>Ex Parte Fautz</i>	Appeal 2019-000106	101	5/15/2019	7/1/2019

35 U.S.C. 312(a): Requirements of Petition

- A petition filed under section 311 may be considered only if –
 - ... (3) the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim

Adaptics Limited v. Perfect Company

IPR2018-01596 (PTAB Mar. 6, 2019) (Paper 20)

- Designated informative on August 2, 2019
- Denied institution based on 35 U.S.C. § 312(a)(3)
- Determined the Petition lacks particularity in its identification of its asserted challenges that results in voluminous and excessive grounds
- Determined the entire Petition should be denied, weighing the interests of the efficient administration of the Office, the integrity of the patent system, and procedural fairness to Patent Owner

Ex Parte Fautz

Appeal 2019-000106 (PTAB May 15, 2019) (Informative)

- Designated informative on July 1, 2019
- Recited claims are directed to magnetic resonance tomography
- Applied the revised guidance published in the USPTO's January 7, 2019 Memorandum, *2019 Revised Patent Subject Matter Eligibility Guidance*
- Concluded that the claims recite a judicial exception, a mathematical concept, but that the claims recite additional elements that integrate the judicial exception into a practical application

Ex Parte Olson

Appeal 2017-006489 (PTAB Mar. 25, 2019) (Informative)

- Designated informative on July 1, 2019
- Recited claims are directed to a catheter navigation system
- Applied the revised guidance published in the USPTO's January 7, 2019 Memorandum, *2019 Revised Patent Subject Matter Eligibility Guidance*
- Concluded that the claims recite a judicial exception, a mathematical concept, but that the claims recite additional elements that integrate the judicial exception into a practical application

Ex Parte Kimizuka

Appeal 2018-001081 (PTAB May 15, 2019) (Informative)

- Designated informative on July 1, 2019
- Recited claims are directed to a golf-club fitting method
- Applied the revised guidance published in the USPTO's January 7, 2019 Memorandum, *2019 Revised Patent Subject Matter Eligibility Guidance*
- Concluded that the claims recite a judicial exception, a mental process, and determined that the claims do not integrate the exception into a practical application or provide an inventive concept

Ex Parte Savescu

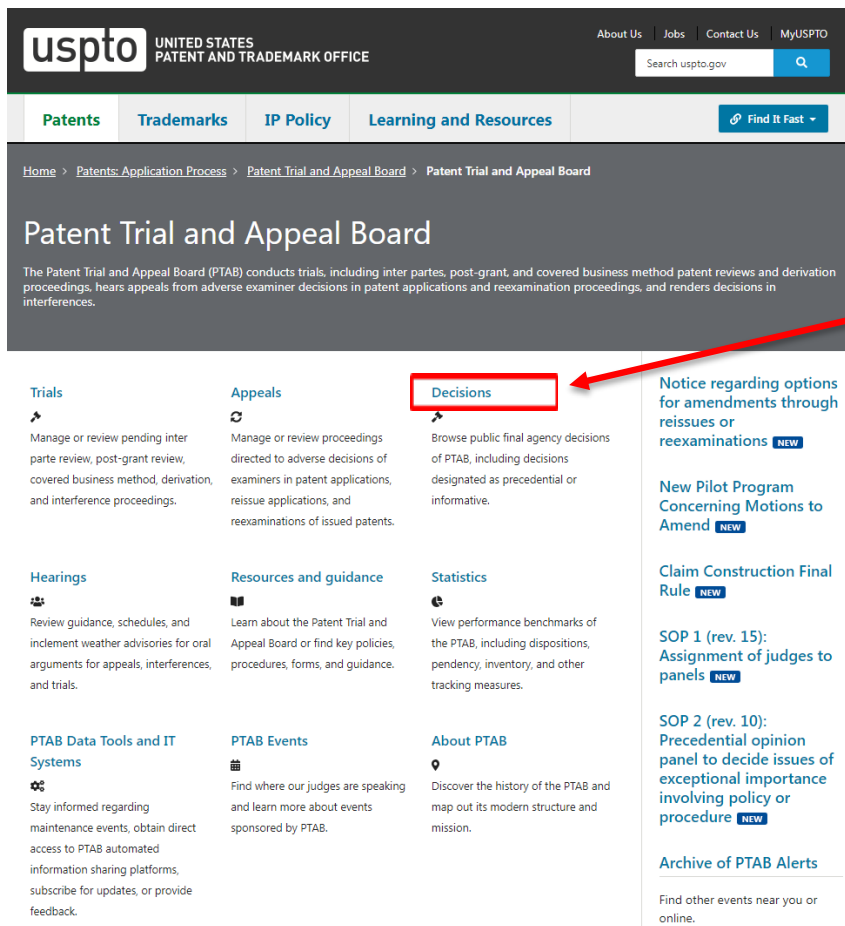
Appeal 2018-003174 (PTAB Apr. 1, 2019) (Informative)

- Designated informative on July 1, 2019
- Recited claims are directed to a life-cycle workflow method
- Applied the revised guidance published in the USPTO's January 7, 2019 Memorandum, *2019 Revised Patent Subject Matter Eligibility Guidance*
- Concluded that the claims recite a judicial exception, a method of organizing human activity, and determined that the claims do not integrate the exception into a practical application or provide an inventive concept

How to find PTAB precedent

PTAB webpage on USPTO website

<https://www.uspto.gov/patents-application-process/patenttrialandappealboard>



The screenshot shows the USPTO Patent Trial and Appeal Board (PTAB) webpage. The header includes the USPTO logo, the text "UNITED STATES PATENT AND TRADEMARK OFFICE", and navigation links for "About Us", "Jobs", "Contact Us", and "MyUSPTO". A search bar is also present. Below the header, there are tabs for "Patents", "Trademarks", "IP Policy", and "Learning and Resources", along with a "Find It Fast" button. The main content area is titled "Patent Trial and Appeal Board" and includes a brief description of the PTAB's functions. Below this, there are several sections: "Trials", "Appeals", "Decisions" (highlighted with a red box and a red arrow), "Hearings", "Resources and guidance", "Statistics", "PTAB Data Tools and IT Systems", "PTAB Events", and "About PTAB". Each section contains a brief description of its content. To the right of the main content area, there are additional links and notices, including "Notice regarding options for amendments through reissues or reexaminations", "New Pilot Program Concerning Motions to Amend", "Claim Construction Final Rule", "SOP 1 (rev. 15): Assignment of judges to panels", "SOP 2 (rev. 10): Precedential opinion panel to decide issues of exceptional importance involving policy or procedure", and "Archive of PTAB Alerts".

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Patent Trial and Appeal Board

The Patent Trial and Appeal Board (PTAB) conducts trials, including inter partes, post-grant, and covered business method patent reviews and derivation proceedings, hears appeals from adverse examiner decisions in patent applications and reexamination proceedings, and renders decisions in interferences.

Trials

Manage or review pending inter parte review, post-grant review, covered business method, derivation, and interference proceedings.

Appeals

Manage or review proceedings directed to adverse decisions of examiners in patent applications, reissue applications, and reexaminations of issued patents.

Decisions

Browse public final agency decisions of PTAB, including decisions designated as precedential or informative.

Hearings

Review guidance, schedules, and inclement weather advisories for oral arguments for appeals, interferences, and trials.

Resources and guidance

Learn about the Patent Trial and Appeal Board or find key policies, procedures, forms, and guidance.

Statistics

View performance benchmarks of the PTAB, including dispositions, pendency, inventory, and other tracking measures.

PTAB Data Tools and IT Systems

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Notice regarding options for amendments through reissues or reexaminations **NEW**

New Pilot Program Concerning Motions to Amend **NEW**

Claim Construction Final Rule **NEW**

SOP 1 (rev. 15): Assignment of judges to panels **NEW**

SOP 2 (rev. 10): Precedential opinion panel to decide issues of exceptional importance involving policy or procedure **NEW**

Archive of PTAB Alerts

Find other events near you or online.



PTAB decisions webpage

<https://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/decisions>

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Decisions

Links to all public, final decisions of the Patent Trial and Appeal Board, including decisions designated as precedential or informative.

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Precedential and informative decisions

All PTAB precedential and informative decisions organized by subject matter are presented in the expandable table below. Archived decisions include those decisions that are not pertinent to or less pertinent to current PTAB practice. Links to alphabetical lists of the precedential and informative decisions are available at the bottom of this page. PTAB has retired the Excel workbooks that formerly contained all PTAB precedential and informative decisions.

* Recently designated decisions appear in the "Recently designated decisions" section of the expandable table and are identified in the appropriate subject matter section(s) with the label **NEW**

[Expand all](#) | [Collapse all](#)

> Recently designated decisions

- > Patent eligibility - 35 U.S.C. § 101
- > Anticipation - 35 U.S.C. § 102
- > Obviousness - 35 U.S.C. § 103
- > Specification and claim requirements - 35 U.S.C. § 112
- > Plant patents - 35 U.S.C. § 161
- > Reissue - 35 U.S.C. § 251
- > Claim construction
- > Issue preclusion
- > Non-functional descriptive material
- > Expert testimony
- > Expanded panels



Question/comment submission

To send in questions or comments during the webinar, please email:

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Thank you

