

 An official website of the United States government  
[Here's how you know](#) 



Home > Patents > PTAB > Decisions > Precedential Opinions  
 > Alphabetical listing of precedential decisions

# Alphabetical listing of precedential decisions

This is an alphabetical listing of precedential decisions. For a list of precedential and informative decisions by topic, click [here](#).

- [A-C](#)
- [D-F](#)
- [G-I](#)
- [J-L](#)
- [M-O](#)
- [P-R](#)
- [S-U](#)
- [V-Z](#)

## A-C

### A

- [Adello Biologics LLC v. Amgen Inc.](#), Case PGR2019-00001, Paper 11 (Feb. 14, 2019) (designated: Apr. 16, 2019) [AIA § 322(a)(2), pre-institution update to Mandatory Notices to add RPI]
- [Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH](#), Case IPR2019-01469, Paper 6 (Feb. 13, 2020) (designated: March 24, 2020) [AIA § 325(d) – setting forth two-part framework; denies institution]
- [Amazon.com, Inc. v. Uniloc Luxembourg S.A.](#), Case IPR2017-00948, Paper 34 (Jan. 18, 2019) (designated: Mar. 18, 2019) [AIA § 316(d), grounds that can be raised against substitute claims]
- [Anderson v. Dionex Corp.](#), Int. 104,446, Paper 29 (Nov. 17, 1999) [stay of interference]
- [Apple Inc. v. Fintiv, Inc.](#), Case IPR2020-00019, Paper 11 (Mar. 20, 2020) [AIA § 314(a) - authorizing supplemental briefing to address the factors related to a co-pending parallel proceeding]
- [Apple Inc. v. Uniloc 2017 LLC](#), IPR2020-00854, Paper 9 (Oct. 28, 2020) (designated Dec. 4, 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. Zipit Wireless, Inc.](#), IPR2021-01124 et al., Paper 14 (December 21, 2022) (designated: January 4, 2023) [AIA – 37 C.F.R. § 42.73(b) – vacating adverse judgments and remanding to confirm whether Patent Owner is abandoning the contest] [Back to top](#)

- [Athena Automation Ltd. v. Husky Injection Molding System Ltd.](#) (§ II.A), Case IPR2013-00290, Paper 18 (Oct. 25, 2013) [Inter partes review, 35 U.S.C. § 311(a); assignor estoppel]

## B

- [Basmadjian v. Landry](#), Int. 103,694, Paper 22 (Aug. 13, 1997) [Interferences - standard for granting summary judgment]
- [Becton, Dickinson & Co. v. B. Braun Melsungen AG](#) (§ III.C.5, first paragraph), Case IPR2017-01586, Paper 8 (Dec. 15, 2017) (designated: Aug. 2, 2019) [AIA § 325(d) – applying and delineating discretionary factors; examination]
- [Ex parte Bhide](#), 1995-0796 (Jan. 31, 1996) [utility; enablement as related to utility]
- [Bloomberg, Inc. v. Markets-Alert Pty, Ltd.](#), Case CBM2013-00005, Paper 32 (May 29, 2013) [AIA - discovery, 35 U.S.C. § 316(a)(5) - factors]

## C

- [R.C. v. T.I.](#), Int. 104, EEE, Paper 143 (Apr. 16, 1999) [Interferences - evidence/discovery - untimely request]
- [Ex parte Catan](#), 2007-0820 (July 3, 2007) [Obviousness - rationales - substitution]
- [Ex parte Catlin](#), 2007-3072 (Feb. 3, 2009) [means-plus-function - algorithm; indefiniteness]
- [Charlton v. Rosenstein](#), Int. 104,148, Paper 147 (May 22, 2000) [Interferences - three-judge vs. single-judge interlocutory decisions]
- [Cisco Systems, Inc. v. Chrimar Systems, Inc.](#), Case IPR2018-01511, Paper 11 (Jan. 31, 2019) [AIA § 315(a)(1) – applying Click-to-Call to petitioner’s action and denying institution]
- [Code200, UAB v. Bright Data, Ltd.](#), IPR2022-00861 & IPR2022-00862, Paper 18 (Aug. 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)
- [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)
- [Cromlish v. D.Y.](#), Int. 104,289, Paper 65 (Nov. 21, 2000) [Interferences - best mode requirement]

## D-F

### D

- [Dadgar v. Gill](#), Int. 104,249, Paper 25 (Feb. 9, 1999) [Interferences - settlement discussions prior to preliminary motions]
- [Davis v. Hendron](#), Int. 104,044, Paper 55 (Nov. 1, 1999) [interference between two patents]
- [DePuy Synthes Prods., Inc. v. Medidea, L.L.C.](#), Case IPR2018-00315, Paper 29 (Jan. 23, 2019) (designated: Mar. 18, 2019) [AIA, live testimony at oral argument]

[Back to top](#)

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

## E

- [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)

## F

- [Facebook Inc. v. Skky LLC](#). (§ II.B.2), Case CBM2016-00091, Paper 12 (Sept. 28, 2017) [Covered business method review eligibility, AIA § 18, pre-institution statutory disclaimer]
- [Focal Therapeutics, Inc. v. SenoRx, Inc.](#), Case IPR2014-00116, Paper 19 (July 21, 2014) (designated: July 10, 2019) [AIA § 316(a)(5), deposition conduct]
- [Ex parte Frye](#), 2009-006013 (Feb. 26, 2010) [ex parte appeals -jurisdictional issues -scope of review of Examiner's decision]
- [Ex parte Fu](#), 2008-0601 (Mar. 31, 2008) [Obviousness -rationales -obvious to try species]

## G-I

### G

- [Garmin Int'l v. Cuozzo Speed Techs LLC.](#), Case IPR2012-00001, Paper 26 (March 5, 2013) [AIA -discovery, 35 U.S.C. § 316(a)(5) - factors]
- [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]
- [General Electric Co. v. Vestas Wind Systems A/S](#) (§ II.C) IPR2018-00928, Paper 9 (Nov. 5, 2018) (designated: Jan. 17, 2025) [AIA –holding that 37 C.F.R. § 42.104(b)(3) does not prohibit a petitioner from submitting a claim construction it believes is incorrect]
- [General Plastic Industrial Co., Ltd. v. Canon Kabushiki Kaisha](#) (§ II.B.4.i), Case IPR2016-01357 et al., Paper 19 (Sept. 6, 2017) [AIA § 314(a); institution -discretionary factors re: multiple petitions]
- [Glaxco Wellcome, Inc. v. Cabilly](#), Int. 104,532, Papers 39 & 41 (Oct. 18, 2000) [Interferences -additional discovery]
- [GoPro, Inc. v. 360Heros, Inc.](#), Case IPR2018-01754, Paper 38 (Aug. 23, 2019) (designated: Aug. 23, 2019) (Paper 38) [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]
- [Gray v. Heeres](#), Int. 104,079, Paper 29 (Apr. 5, 1999) [Interferences -abandonment of the contest]
- [Griggs v. Rose](#), Int. 103,729, Paper 12 (Feb. 24, 1999) [interferences –jurisdiction, unpatentable subject matter]
- [Ex parte Grillo-López](#), 2018-006082 (Jan. 31, 2020) [printed publication]

### H

- [Hillman v. Shyamala](#), Int. 104,436, Paper 50 (Apr. 25, 2000) [Interferences -priority -standards for proving]

[Back to top](#)

- [Housey v. Berman](#), Int. 104,347, Paper 45 (Nov. 10, 1999) [Interferences - § 135 time bar]
- [Huawei Device Co., Ltd. v. Optis Cellular Tech., LLC](#), Case IPR2018-00816, Paper 19 (Jan. 8, 2019) (designated: Apr. 5, 2019) [AIA, procedure and standard for submitting new evidence on rehearing, 37 C.F.R. § 42.71(d)]
- [Hulu, LLC v. Sound View Innovations, LLC](#), Case IPR2018-01039 (PTAB Dec. 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)

## I

- [Infiltrator Water Techs., LLC, v. Presby Patent Trust](#), Case IPR2018-00224, Paper 18 (Oct. 1, 2018) (designated: Sep. 9, 2019) [AIA § 315(b) – applying Click-to-Call to a complaint dismissed without prejudice for lack of personal jurisdiction]

## J-L

## J

- [Ex parte Jellá](#), 2008-1619 (Nov. 3, 2008) [Obviousness – secondary considerations; nexus, commercial success]
- [Johnston v. Beachy](#), Int. 104,DDD, Paper 40 (Mar. 10, 1999) [Interferences – procedure; receipt of files by parties]

## K

- [K-40 Elecs., LLC v. Escort, Inc.](#), Case No. IPR2013-00203, Paper 34 (May 21, 2014) (designated: Mar. 18, 2019) [AIA, live testimony at oral argument]
- [Ex parte Kubin](#), 2007-0819 (May 31, 2007) [Obviousness - rationales - obvious to try; 35 U.S.C. § 112 - species-genus enablement]

## L

- [Lectrosonics, Inc. v. Zaxcom, Inc.](#), Inc., Case IPR2018-01129, 01130, Paper 15 (Feb. 25, 2019) (designated: Mar. 7, 2019) [AIA § 316(d), motions to amend - requirements and burden]
- [Lectrosonics, Inc. v. Zaxcom, Inc.](#), Case IPR2018-01129, Paper 33 (Jan. 24, 2020) [addressing Fox Factory and nexus to objective indicia of non-obviousness]
- [Lee v. McIntyre](#), Int. 104,461, Paper 29 (Mar. 16, 2000) [Interferences - scope of count; preliminary statement]
- [Ex parte Lemoine](#), 94-0216 (Dec. 27, 1994) [Ex parte - jurisdiction for appeal]
- [Ex parte Letts](#), 2007-1392 (Jan. 31, 2008) [Ex parte - offers to cancel claims]
- [LeVeen v. Edwards](#), Int. 104,290 (Dec. 11, 2000) (Paper 240) [Interferences - general motion practice]
- [LeVeen v. Edwards](#), Int. 104,290 (Dec. 11, 2000) (Paper 241) [Interferences - general motion practice]
- [LG Electronics, Inc. v. Mondis Tech, Ltd.](#), Case IPR215-00937, Paper 8 (Sept. 17, 2015) [AIA – bar due to patent owner’s action - “a complaint”; dismissal with/without prejudice]
- [Lumentum Holdings, Inc. v. Capella Photonics, Inc.](#), Case IPR2015-00739, Paper 38 (Mar. 4, 2016) [AIA - real parties in interest - changes]

[Back to top](#)

## M-O

### M

- [B.M. v. H.G.](#), Int. 104,CCC, Paper 34 (Apr. 26, 1999) [Interferences - procedure - extension of time]
- [Matsushima v. H.A.](#), Int. 104,354, Paper 45 (May 2, 2000) [Interferences - evidence/discovery - additional discovery]
- [Ex parte McAward](#), 2015-006416 (Aug. 25, 2017) [35 U.S.C. § 112 - indefiniteness during prosecution; claim construction]
- [Ex parte Mewherter](#), 2012-007692 (May 8, 2013) [Patent eligibility - machine readable storage medium]
- [Ex parte Miyazaki](#), 2007-3300 (Nov. 19, 2008) [35 U.S.C. § 112 - indefiniteness - amenable to two or more constructions]
- [Ex parte Moncla](#), 2009-006448 (June 22, 2010) [Double patenting - premature to address provisional rejection]

### N

- [G.N. v. S.W.](#), Int. 104,VVV (Oct. 7, 2000) [Interferences - procedure - scope of count]
- [Nau v. Ohuchida](#), Int. 104,258 (Apr. 30, 1999) (Paper 62) [Interferences - motions - opportunity to respond]
- [Nau v. Ohuchida](#), Int. 104,258 (Apr. 14, 1999) (Paper 57) [Interferences - motions - admitting or denying facts]
- [Ex parte Nehls](#), 2007-1823 (Jan. 28, 2008) [§ 101 - utility - computer-based system for identifying nucleic acid sequence; non-functional descriptive material - nucleic acid sequence as input to computer program]
- [Nested Bean, Inc. v. Big Beings Pty Ltd.](#), Case IPR2020-01234, Paper 42 (Feb. 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]
- [Nevel v. Hoeller](#), Int. 104,025, Paper 65 (May 10, 2000) [Interferences - evidence/discovery - additional discovery]
- [NHK Spring Co., Ltd. v. Intri-Plex Techs., Inc.](#), Case No. IPR2018-00752, Paper 8 (Sept. 12, 2018) (designated: May 7, 2019) [AIA §§ 314(a), 325(d), deny institution – prior art previously considered, co-pending district court proceeding nearing completion]

### O

- [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)
- [Oticon Medical AB v. Cochlear Limited \(§ II.B and II.C\)](#), Case IPR2019-00975, Paper 15 (Oct. 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]

[Back to top](#)

## P-R

### P

- [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)
- [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)]
- [Proppant Express Investments, LLC v. Oren Techs., LLC](#), Case No. IPR2017-01917, Paper 86 (Feb. 13, 2019) [AIA §§ 312(a)(2), 315(b), 322(a)(2) – RPI, bar due to patent owner’s action - post-institution update to Mandatory Notices to add RPI]

### Q

- [Ex parte Quist](#), 2008-001183 (June 2, 2010) [Obviousness - secondary considerations - nexus, declaration testimony; scope of rehearing]

### R

- [RPX Corp. v. Applications in Internet Time, LLC](#), IPR2015-01750, Paper 128 (Oct. 2, 2020) (designated: Dec. 4, 2020) [AIA §§ 312(a)(2), 315(b) – unnamed party is an RPI and Petition was time-barred]
- [Ex parte Rodriguez](#), 2008-000693 (Oct. 1, 2009) [35 U.S.C. § 112 – means-plus-function, indefiniteness - algorithm]

## S-U

### S

- [A.S. v. B.R.](#), Int. 104,AAA, Paper 10 (Dec. 2, 1998) [Interferences - procedure - ex parte communications]
- [Sauer, Inc. v. Kanzaki Kokyukoki Mfg.](#), Int. 104,311 (Paper 165) (May 25, 2001) [Interferences - procedure - scope of count]
- [Sauer, Inc. v. Kanzaki Kokyukoki Mfg.](#), Int. 104,311 (Paper 147) (Jan. 9, 2001) [Interferences - jurisdiction - adding patent to an interference]
- [Ex parte Schulhauser](#), 2013-007847 (Apr. 28, 2016) [Claim construction - conditional language]
- [SecureBuy LLC v. CardinalCommerce Corp.](#), Case CBM2014-00035, Paper 12 (Apr. 25, 2014) [AIA - bar due to petitioner’s action, 35 U.S.C. § 325(a)(1) - deny institution - prior complaints]
- [SharkNinja Operating LLC v. iRobot Corp.](#), IPR2020-00734, Paper 11 (Oct. 6, 2020) (designated: Dec. 4, 2020) – [AIA § 312(a)(2), instituting review – no RPI analysis necessary at institution] [Back to top](#)

allegation of time bar or estoppel based on unnamed RPI]

- **Shiokawa v. Maienfisch**, Int. 104,525, Paper 65 (Sept. 7, 2000) [Interferences -evidence/discovery - additional discovery]
- **Singh v. Brake**, Int. 102,728, Paper 168 (Nov. 10, 1998) [Interferences - procedure - extension of time]
- **Ex parte Smith**, 2007-1925 (June 25, 2007) [Anticipation -inherent capability; obviousness -rationales -substitution]
- **Snap, Inc. v. SRK Technology LLC** (§ II.A), IPR2020-00820, Paper 15 (Oct. 21, 2020) (designated: Dec. 17, 2020) [AIA § 314(a), instituting review – Fintiv analysis, district court proceeding stayed]
- **Sotera Wireless, Inc. v. Masimo Corporation** (§ II.A), IPR2020-01019, Paper 12 (Dec. 1, 2020) (designated: Dec. 17, 2020) [AIA § 314(a), instituting review – Fintiv analysis, Petitioner filed broad stipulation to limit grounds in district court]

## T

- **Therriault v. Garbe**, Int. 104,263, Paper 82 (Nov. 23, 1999) [Interferences -evidence/discovery - third party subpoena]
- **Toshiba America Electronic Components, Inc. v. Monument Peak Ventures, LLC**, IPR2021-00330, Paper 20 (Jan. 14, 2022) [AIA § 312(a)(1), Fedwire confirmation as evidence supporting payment of petition filing fee] (Precedential Opinion Panel decision)
- **Tropix, Inc. v. Lumigen Inc.**, Int. 104,459, Paper 56 (Feb. 28, 2000) [Interferences -evidence/discovery -additional discovery]

## U

## V-Z

### V

- **Valve Corp. v. Elec. Scripting Prods., Inc.**, Case No. IPR2019-00062, -00063, -00084, Paper 11 (Apr. 2, 2019) (designated: May 7, 2019) [AIA § 314(a), deny institution -General Plastic factors apply to different Petitioner]
- **Valve Corp. v. Elec. Scripting Prods., Inc.**, Case No. IPR2019-00064, -00065, -00085, Paper 10 (May 1, 2019) (designated: Aug. 2, 2019) [AIA § 314(a), deny institution -General Plastic factor 1 applies to joined Petitioner]
- **Ventex Co., Ltd. v. Columbia Sportswear N. Am., Inc.**, Case No. IPR2017-00651, Paper 152 (Jan. 24, 2019) (designated: Apr. 16, 2019) [AIA §§ 312(a)(2), 315(b), terminating proceeding where Petition failed to name time-barred RPI and privy]

### W

- **F.M.W. v. D.A.T.**, Int. 104,BBB, Paper 4 (Dec. 23, 1998) [Interferences -procedure -ex parte communications]
- **Waterman v. Birbaum**, Int. 104,500, Paper 4 (Feb. 22, 2000) [Interferences -procedure -abandoned application]

[Back to top](#)

- [Western Digital Corp. v. SPEX Techs., Inc.](#) (§ II.A.1) IPR2018-00084, Paper 14 (Apr. 15, 2018) (designated: Jan. 17, 2025) [AIA –holding that 37 C.F.R. § 42.104(b)(3) requires a Petitioner to identify claim constructions it proposes as a basis for requesting review of the challenged claims, but does not require Petitioner to express its subjective agreement regarding the correctness of its proffered claim constructions or to take ownership of those constructions]
- [Westlake Services, LLC v. Credit Acceptance Corp.](#), Case CBM2014-00176, Paper 28 (May 14, 2015) [AIA - estoppel, 35 U.S.C. § 325(e) -claim-by-claim application]
- [Ex parte Whalen II](#), 2007-4423 (July 23, 2008) [Anticipation -inherency -evidence and reasoning; obviousness -rationales -optimizing a variable]
- [Winter v. Fujita](#), Int. 104,283, Papers 73 & 74 (Nov. 16, 1999) [Interferences -jurisdiction -adding reissue application to an interference; interferences -motions -improper arguments in a reply; interferences -interference-in-fact -two-way patentability analysis]
- [Wolf v. Tomalia](#), Int. 104,274, Paper 23 (Apr. 13, 1999) [Interferences -jurisdiction -relationship with reexaminations]



## X

- [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]

## Y

## Z

These document require [Adobe Acrobat Reader](#) to view.

Was this page helpful?  

 [Share this page](#)  [Print this page](#)

[Additional information](#) about this page

## Receive updates from the USPTO

Enter your email to subscribe or update your preferences

[Subscribe](#)

[About the USPTO](#) • [Search for patents](#) • [Search for trademarks](#)

[Accessibility](#)

[Privacy Policy](#)

[Terms of Use](#)

[Financial and Performance Data](#)

[Vulnerability Disclosure Policy](#)

[Freedom of Information Act](#)

[Inspector General](#)

[NoFEAR Act](#)

[USA.gov](#)

[Follow us](#)

[Back to top](#)