

PTAB Committee Meeting:

Continuing Update on Latest Decisions at PTAB

**Amster
Rothstein &
Ebenstein LLP**

Hosted By:



**Charles
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ZOOM WEBINAR



**August 19th
2025**

4-5 PM ET

RSVP: ADMIN@NYIPLA.ORG | 1.0 NY/NJ CLE AVAILABLE FOR ATTENDEES

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Additionally, the following content is presented solely for the purposes of discussion and illustration, and does not comprise, nor is to be considered, as legal advice.

Agenda – July & August 2025

Updates on Director Decisions

July & August 2025 Update on Director Review

- July & August 2025 Director Review Decisions Decisions

July & August 2025 Update on Discretionary Denials Decisions

Update on Director Review

Director Review Updates (Since July 17)

According to Docket Navigator, since July 17, the "Director of the USPTO" has addressed 47 requests for director review resulting in:

➤ **5 Requests for Rehearing being Granted**

➤ **42 Requests for Rehearing being Denied**

In addition, Acting Lead APJ Ankebrand (performing duties of Director Review) has **Granted 2 Requests for Rehearing** (when Acting Director Coke was recused).

Director Review Decisions (Since July 15)

- ***Amazon.com, Inc. v. B.S.D. Crown, Ltd.*, IPR2025-00057 (see Claim construction)**
 - Decision vacating decision denying institution, and remanding for further proceedings – [Paper 16](#) (Stewart August 12, 2025)
- ***Arm Ltd. v. Daedalus Prime LLC*, IPR2025-00207 (see Institution – 35 U.S.C. § 314(a), Parallel proceedings)**
 - Decision vacating decision denying institution, and referring to Board for further proceedings – [Paper 14](#) (Stewart August 6, 2025)
- ***TCL Electronics Holdings Ltd. v. Maxell, Ltd.*, IPR2025-00120 (see Institution – 35 U.S.C. § 314(a), Parallel proceedings)**
 - Decision vacating decision granting institution, and denying institution – [Paper 14](#) (Stewart August 6, 2025)
- ***Green Revolution Cooling, Inc. v. Midas Green Technologies, LLC*, IPR2025-00196 (see Institution – 35 U.S.C. § 314(a), Parallel proceedings)**
 - Decision vacating decision granting institution, and denying institution – [Paper 15](#) (Stewart July 25, 2025)
- ***Cirrus Logic, Inc. v. Greenthread, LLC*, IPR2024-00001 & IPR2024-00016 (see Bar due to patent owner’s action – 35 U.S.C. § 315(b))**
 - Decision vacating Final Written Decision, and remanding for further proceedings – [Paper 89](#) (Stewart July 23, 2025)
- ***Samsung Electronics Co., Ltd. v. Headwater Research LLC*, IPR2024-01396 & IPR2024-01407 (see Institution – 35 U.S.C. § 314(a), Parallel proceedings)**
 - Decision vacating decision granting institution, and denying institution – [Paper 21](#) (Ankenbrand July 22, 2025)
- ***Samsung Electronics Co., Ltd. v. Mullen Industries LLC*, IPR2024-01472, IPR2025-00018, IPR2025-00019, IPR2025-00021 & IPR2025-00124 (see Institution – 35 U.S.C. § 314(a), Parallel proceedings)**
 - Decision vacating decision granting institution, and denying institution – [Paper 19](#) (Ankenbrand July 17, 2025)

July & August 2025 Director Review Decisions

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED
STATES PATENT AND TRADEMARK OFFICE

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and GOOGLE LLC,
Petitioner,

v.

MULLEN INDUSTRIES LLC,
Patent Owner.

IPR2024-01472 (Patent 11,190,633 B2)
IPR2025-00018 (Patent 11,122,418 B2)
IPR2025-00019 (Patent 9,204,283 B2)
IPR2025-00021 (Patent 11,096,039 B2)
IPR2025-00124 (Patent 8,374,575 B2)¹

Before MICHELLE N. ANKENBRAND,² *Senior Lead Administrative
Patent Judge, performing the duties of Director Review Executive.*

ORDER

Granting Director Review, Vacating the Decision Granting Institution,
and Denying Institution of *Inter Partes* Review

¹ This order applies to each of the above-listed proceedings.

² Coke Morgan Stewart, Acting Under Secretary of Commerce for
Intellectual Property and Acting Director of the United States Patent and
Trademark Office, is recused and took no part in this decision. The Acting
Director delegated her authority as set forth in the Notice of Delegation
entered in this case. See IPR2024-01472, Paper 13.

Samsung Electronics Co., Ltd. v. Mullen Industries LLC, IPR2024-01472, IPR2025-00018, IPR2025-00019, IPR2025- 00021 & IPR2025-00124 (see Institution – 35 U.S.C. § 314(a), Parallel proceedings)

- Decision vacating decision granting institution, and denying institution – [Paper 19](#) (Ankenbrand July 17, 2025)

The Board erred in its analysis of factors 2 and 3, and overall weighing of the *Fintiv* factors. The trial date in the parallel proceeding is set for approximately five months before the statutory due date for the Board's final written decision, and the median time-to-trial statistics suggest a trial beginning in September 2025. Paper 7, 22. There also has been significant investment in the parallel proceeding. Id. at 23; DR Request 6–8. Under *Fintiv*'s holistic assessment, the merits of the Petition and Petitioner's *Sotera* stipulation do not outweigh *Fintiv* factors 2 and 3. As such, the facts and circumstances indicate that the efficiency and integrity of the system are best served by denying institution.

Accordingly, it is:

ORDERED that Director Review is granted;

FURTHER ORDERED that the Board's Decision granting institution of inter partes review (Paper 9) is vacated; and

FURTHER ORDERED that the petition is denied, and no trial is instituted.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED
STATES PATENT AND TRADEMARK OFFICE

SAMSUNG ELECTRONICS CO. LTD.,
Petitioner,

v.

HEADWATER RESEARCH LLC,
Patent Owner.

IPR2024-01396 (Patent 9,647,918 B2)
IPR2024-01407 (Patent 9,179,359 B2)¹

Before MICHELLE N. ANKENBRAND,² *Senior Lead Administrative
Patent Judge, performing the duties of Director Review Executive.*

ORDER

Granting Director Review, Vacating the Decisions Granting
Institution, and Denying Institution of *Inter Partes* Review

¹ This order applies to each of the above-listed proceedings. Unless otherwise indicated, all citations are to the record in IPR2024-01396.

² Coke Morgan Stewart, Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office, is recused and took no part in these decisions. The Acting Director delegated her authority as set forth in the Notice of Delegation entered in this case. *See* Paper 16.

Samsung Electronics Co., Ltd. v. Headwater Research LLC, IPR2024-01396 & IPR2024-01407 (see Institution – 35 U.S.C. § 314(a), Parallel proceedings)

➤ Decision vacating decision granting institution, and denying institution – [Paper 21](#) (Ankenbrand July 22, 2025)

In IPR2024-01396, the Board instituted trial, in part based on a finding that Petitioner had made a particularly strong showing on the merits. See Paper 13, 9. One administrative patent judge on **the panel dissented, reasoning that the panel majority did not give sufficient weight to the trial date in the parallel proceeding being scheduled for approximately six months before the date of the final written decision.** Id. at 1–2 (Howard, APJ, dissenting).

The dissent has the better position—the Board **erred in its weighing of factor 2.** The trial date in the parallel proceeding is set for approximately **six months before the final written decision.** Under Fintiv’s holistic assessment, the merits of the Petition here do not outweigh the other factors. An analysis of all the circumstances indicates that the efficiency and integrity of the system are best served by denying institution. Similarly, the trial date in the parallel proceeding on the patent challenged in IPR2024-01407 is set **for approximately five months before the Board’s final written decision.** Thus, for the same reasons, the Board erred in its weighing of factor 2 and institution is denied.

Accordingly, it is:

ORDERED that Director Review is granted;

FURTHER ORDERED that the Board’s Decisions granting institution of inter partes review (Paper 13; IPR2024-01407, Paper 9) are vacated; and

FURTHER ORDERED that the petitions are denied, and no trial is instituted.



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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

CIRRUS LOGIC, INC., OMNIVISION TECHNOLOGIES, INC., and
TEXAS INSTRUMENTS INCORPORATED,¹
Petitioner,

v.

GREENTHREAD, LLC,
Patent Owner.

IPR2024-00001 (Patent 10,734,481 B2)
IPR2024-00016 (Patent 10,510,842 B2)²

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

ORDER

Granting Director Review, Vacating the Final Written Decision, and
Remanding to the Board for Further Proceedings

¹ Texas Instruments Incorporated, which filed a petition in IPR2024-00772, has been joined as a petitioner to IPR2024-00001. IPR2024-00001, Paper 52.

² This order applies to each of the above-listed proceedings.

Cirrus Logic, Inc. v. Greenthread, LLC, IPR2024-00001 & IPR2024-00016 (see Bar due to patent owner's action – 35 U.S.C. § 315(b))

➤ Decision vacating Final Written Decision, and remanding for further proceedings – [Paper 89](#) (Stewart July 23, 2025)

Since Patent Owner filed the DR Request, the Board ordered post remand discovery in the first set of IPRs and sua sponte ordered **discovery related to the privity issue in five additional related cases** (IPR2024-00017, IPR2024-00018, IPR2024-00019, IPR2024-00020, IPR2024-00021). See, e.g., IPR2024-00017, Paper 89. Given the substantial identity of issues between these cases, the first set of IPRs, and the additional related cases, the best course of action is to **vacate the Board's Decisions and remand these cases to the Board to allow the Board to authorize additional discovery in these cases**. Doing so will place all of the related proceedings on similar footing and allow the Board in the first instance to efficiently consider the overlapping issues presented in all the cases.

Accordingly, Director Review is granted, the **Board's Decisions are vacated**, and the cases are **remanded** to the Board with instructions to **allow discovery**, narrowly tailored to the privity issue, as the Board already has authorized in the first set of IPRs and the other related cases. The Board **should then determine** on the full record **whether Petitioner has met its burden of demonstrating it is not time-barred** under § 315(b); that is, **whether Patent Owner has produced some evidence to support its argument that Intel should be named as a privy so as to have put the issue into dispute**. See *Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1242–44 (Fed. Cir. 2018) (explaining that although it is a petitioner's burden to show that its petition is not time-barred, a "mere assertion that a third party is an unnamed real party in interest, without any support for that assertion, is insufficient to put the issue into dispute").⁴

Absent good cause, the Board shall issue a decision on remand within 30 days after Petitioner provides to Patent Owner the discovery that the Board authorizes.

In consideration of the foregoing, it is:

ORDERED that Director Review is granted;

FURTHER ORDERED that the Board's Final Written Decisions (Papers 78, 80; IPR2024-00016, Papers 74, 76) are vacated; and

FURTHER ORDERED that the case is remanded to the Board for further proceedings consistent with this decision.

⁴ If the Board determines on remand that the petitions are time-barred, **the Board should address whether its decision granting joinder should be vacated**. See, e.g., *I.M.L. SLU v. WAG Acquisition, LLC*, IPR2016-01658, Paper 46 at 14 (PTAB Feb. 27, 2018) (vacating grant of joinder to a second petitioner after having vacated the decision instituting the proceeding that the second petitioner had joined).

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

GREEN REVOLUTION COOLING, INC.,
Petitioner,

v.

MIDAS GREEN TECHNOLOGIES, LLC,
Patent Owner.

IPR2025-00196
Patent 10,405,457 B2

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

ORDER

Granting Director Review, Vacating the Decision Granting Institution, and
Denying Institution of *Inter Partes* Review

***Green Revolution Cooling, Inc. v. Midas Green Technologies, LLC*, IPR2025-00196 (see Institution – 35 U.S.C. § 314(a), Parallel proceedings)**

- Decision vacating decision granting institution, and denying institution – **Paper 15** (Stewart July 25, 2025)

The Board erred in giving **too much weight** to **Petitioner's stipulation** and **not enough weight to the advanced state of the parallel district court proceeding**. The district court has **not granted a stay** and the likely trial date in the parallel proceeding is **approximately four months before the final written decision**. As such, it is unlikely that a final written decision in this proceeding will issue before the district court trial occurs. Considering the Fintiv factors as a whole, **although Petitioner's enhanced stipulation may mitigate some concern of duplication between the parallel proceeding and this proceeding, the stipulation does not outweigh the other Fintiv factors.**

Accordingly, the efficiency and integrity of the system are best served by denying review.

In consideration of the foregoing, it is:
ORDERED that Director Review is granted;
FURTHER ORDERED that the Board's Decision granting institution of inter parties review (Paper 7) is vacated; and
FURTHER ORDERED that the Petition is denied, and no trial is instituted.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

TCL ELECTRONICS HOLDINGS LTD.
(f/k/a TCL MULTIMEDIA TECHNOLOGY HOLDINGS, LTD.)
Petitioner,

v.

MAXELL, LTD.,
Patent Owner.

IPR2025-00120
Patent 10,375,341 B2

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

ORDER

Granting Director Review, Vacating the Decision Granting Institution, and
Denying Institution of *Inter Partes* Review

***TCL Electronics Holdings Ltd. v. Maxell, Ltd.*, IPR2025-00120 (see Institution – 35 U.S.C. § 314(a), Parallel proceedings)**

➤ Decision vacating decision granting institution, and denying institution – **Paper 14** (Stewart August 6, 2025)

It is undisputed that the parallel district court trial involves additional patents, is **not stayed**, and is in **an advanced state**, with trial likely to **begin approximately eight months before the Board's final written decision**. Id. at 7–9. Considering the Fintiv factors as a whole, even assuming factors 4 and 6 both weigh against exercising discretion to deny institution, the Board erred in concluding that **they outweigh the other four Fintiv factors**, which favor denial.

In consideration of the foregoing, it is:

ORDERED that Director Review is granted;

FURTHER ORDERED that the Decision granting institution of inter partes review (Paper 9) is vacated; and

FURTHER ORDERED that the petition is denied, and no trial is instituted.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

ARM LTD. and MEDIATEK INC.,
Petitioner,

v.

DAEDALUS PRIME LLC,
Patent Owner.

IPR2025-00207
Patent 8,984,228 B2

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

ORDER

Granting Director Review, Vacating the Decision Denying Institution, and
Referring the Petition to the Board

***Arm Ltd. v. Daedalus Prime LLC*, IPR2025-00207 (see Institution – 35 U.S.C. § 314(a), Parallel proceedings)**

➤ Decision vacating decision denying institution, and referring to Board for further proceedings – [Paper 14](#) (Stewart August 6, 2025)

Petitioner is correct that the circumstances have changed because the parallel litigation has been dismissed. Petitioner provided persuasive reasoning in its discretionary briefing why an inter partes review is an appropriate use of Board resources. Paper 9, 11–15; see DR Request 2. **However, the case was not referred to the Board because the balance of factors weighed in favor of denial in view of the parallel litigation, which would address the validity of the challenged patent. Now that the litigation has been dismissed, the balance of factors weighs in favor of referral.** As Petitioner explains, the Board already has determined that “substantially identical claims” in a related patent to the challenged patent are unpatentable based on one of the prior art references asserted in this proceeding. DR Request 2 (citing Paper 9 and IPR2023-01344, Paper 31). Given this fact, and the similarity of the patentability issues, it is efficient for the Board to take up this case. The determination whether to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented.

Accordingly, **the petition is referred to the Board to handle the case in the normal course, including by issuing a decision on institution addressing the merits and other non-discretionary considerations, as appropriate.**

Absent good cause, the Board shall issue a decision on institution within 60 days of this Order.

In consideration of the foregoing, it is:

ORDERED that Director Review is granted;

FURTHER ORDERED that the Decision denying institution of inter partes review (Paper 10) is vacated; and

FURTHER ORDERED that the petition is referred to the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

AMAZON.COM, INC., AMAZON WEB SERVICES, INC., and
AMAZON.COM SERVICES LLC,
Petitioner,

v.

B.S.D. CROWN, LTD.,
Patent Owner.

IPR2025-00057
Patent 8,934,887 B2

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

ORDER

Granting Director Review, Vacating the Decision Denying Institution, and
Remanding to the Board for Further Proceedings

Amazon.com, Inc. v. B.S.D. Crown, Ltd., IPR2025-00057 (see Claim construction)

➤ Decision vacating decision denying institution, and remanding for further proceedings – [Paper 16](#) (Stewart August 12, 2025)

Petitioner is correct that the Board appears to have misapprehended Figure 2 of the challenged patent. DR Request 9–10. As Petitioner points out, **Figure 2 shows the mobile device receiving only audio data and video data, not audio data, video data, and an HW action, as the Board found.** See Decision 17; DR Request 9–10. The Board relied in part on this finding to determine that the Federal Circuit’s decision in *SuperGuide Corp. v. DirecTV Enters., Inc.*, 358 F.3d 870, 885–86 (Fed. Cir. 2004) controlled the claim construction in this case.¹ See Decision 17. Although there may be sufficient basis for the Board’s claim construction and reliance on *SuperGuide*, **because other portions of the Specification the Board identifies do not rebut the presumption that the patentee intended the plain and ordinary meaning of “at least one of . . . and,” it is the better course to allow the Board to decide that issue in the first instance.** The Board **shall allow the parties limited briefing to address this claim construction issue on remand.**

Accordingly, Director Review is granted, the Board’s Decision is vacated, and the case is remanded to the Board with **instructions to allow additional briefing on the claim construction issue and to construe the disputed claim term.**

Absent good cause, the Board shall issue a decision on remand within 30 days after the additional briefing authorized is complete.

In consideration of the foregoing, it is:

ORDERED that Director Review is granted;

FURTHER ORDERED that the Board’s Decision Denying Institution of Inter Partes Review (Paper 13) is vacated; and

FURTHER ORDERED that the case is remanded to the Board for further proceedings consistent with this decision.

¹ In *SuperGuide*, the Federal Circuit explained that where the claims recited “at least one of” preceding a list of categories of criteria separated by “and” (i.e., “at least one of . . . and”), the plain and ordinary meaning of “and” was conjunctive, and nothing in the patent’s specification rebutted the presumption that the patentee intended to use the plain and ordinary meaning. 358 F.3d at 886.

July & August 2025 Update on Discretionary Denials

NEW DECISIONS ON DISCRETIONARY DENIALS

Discretionary Denials (Since July 17)

According to Docket Navigator, since July 17, the USPTO Director has issued:

➤ With respect to IPRs:

➤ Out of **250** Requests for Discretionary Review, the USPTO Director has:

➤ **Allowed 96 cases** to proceed to the panel for determination

➤ **Terminated 156 cases** based on discretionary review

➤ With respect to PGRs:

➤ Out of **8** Requests for Discretionary Review, the USPTO has:

➤ **Terminated all 8 cases** based on discretionary review

Next Month (September PTAB Committee)

On Tuesday, September 16, 2025, the next PTAB Committee Meeting for the NYIPLA will discuss PTAB Decisions in 2025 which found claims to be not Patent Ineligible.

Please make sure to join us every month on the third Tuesday of each month, at 4:00 p.m. ET for our virtual PTAB Committee meetings.