PTAB Highlights | Takeaways from Recent Decisions in Post-Issuance Proceedings

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So, what's happening at the PTAB? Privy and RPI issues, explaining inconsistent claim constructions, the particularity requirement, and more!

2 degrees of separation from Petitioner – not a privy. Semiconductor Components Industries, LLC v. Greenthread, LLC, IPR2024-00264, Paper 78 (February 78, 2026) (Praiss, joined by Obermann and Belisle) The Board found Petitioner was not time-barred because, in part, there was no time-barred privy. The third party was merely an alleged RPI of an alleged RPI of the Petitioner — "a degree of separation that is not contemplated by the clear language of the statute"—and not sufficiently close to Petitioner such that Petitioner has had a full and fair opportunity to litigate validity.

Second time's the charm! Entegris, Inc. v. Inpria Corporation, IPR2025-00267, Paper 33 (January 27, 2026) (Kaiser, joined by Dennett and Cotta) The Board instituted IPR after the Deputy Director granted rehearing and reversed an earlier discretionary denial, also finding that a co-defendant in related litigation was not a real party-in-interest.

Stipulations to drop claims won't save unexplained inconsistent claim constructions. Infineon Technologies Americas Corp. Ltd. v. Mosaid Technologies Inc., IPR2025-01171, Paper 27 (February 19, 2026) (Director Squires) On Director Review, Director Squires vacated the previous institution decision and denied institution on the basis that Petitioner failed to adequately explain its inconsistent claim constructions at the PTAB and at district court. The Director was also unpersuaded by Petitioner's offer to stipulate to later withdraw challenged claims that are found indefinite in district court.

Being “particular” is a good thing. Crüzr Saddles LLC. v. Tethrd, LLC, IPR2025-01407, Paper 26 (February 24, 2026) (Director Squires) The Director denied institution on the merits because merely juxtaposing lengthy claim limitations with images, audio transcript, and forum posts fails to meet the particularity requirement under 35 U.S.C. § 312(a)(3).

Hard pass on “hard” materials. BOE Technology Group Co., Ltd. v. Optronic Sciences LLC, IPR2024-01132, Paper 65 (February 17, 2026) (Cherry joined by Dang and Wood) The Board rejected Patent Owner’s construction requiring a “capping layer” to be a hard, protective material, instead construing it simply as an insulation layer covering an underlying structure.

Not all trenches are created equal. Samsung Display Co., Ltd. v. Pictiva Displays International Limited, IPR2024-01187, Paper 39 (February 17, 2026) (Baer joined by Quinn and Repko) The Board construed “trench in” the conductive layers to require adjacency to the layers’ edges, a construction that sank Petitioner’s Hanamura-based grounds and left three claims standing.

As a leader in post-issuance proceedings, Banner Witcoff is committed to staying on top of the latest PTAB developments. Our PTAB Highlights series is designed to keep you up-to-date and informed of rulings affecting this constantly evolving area of the law.

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