PTAB Litigation

Strategic Advocacy Before the Patent Trial and Appeal Board

Proceedings before the Patent Trial and Appeal Board (PTAB) play a critical role in determining the strength, scope, and enforceability of patent rights. Banner Witcoff's PTAB Litigation practice represents clients in high-stakes matters before the U.S. Patent and Trademark Office, leveraging deep technical knowledge and extensive prosecution and litigation experience to protect valuable intellectual property.

Our attorneys regularly appear before the PTAB in contested proceedings that can reshape patent portfolios and influence parallel district court and International Trade Commission litigation. We develop strategies designed not only to prevail before the PTAB, but also to support broader enforcement, defense, and business objectives.

Our PTAB Litigation Services

PTAB Trials and Administrative Proceedings

Banner Witcoff represents petitioners and patent owners in all types of PTAB proceedings, including:

- Inter partes review (IPR)
- Post-grant review (PGR)
- Derivation and interference-related proceedings
- Ex parte appeals from prosecution and reexaminations

We guide clients through every phase of PTAB proceedings—from pre-filing analysis and petition or response strategy to trial, oral argument, and final written decision.

Coordinated Multi-Forum Strategy

USPTO proceedings often run in parallel with district court or ITC litigation. We align PTAB strategy with broader enforcement and defense efforts, advising on:

- Venue-specific considerations and stay strategy

- Claim construction positioning and estoppel implications
- Invalidity and patentability arguments
- Portfolio-level impacts across related patents

This integrated approach enables clients to make informed, strategic decisions across multiple forums.

Technical Depth Across Industries

Banner Witcoff is uniquely positioned to handle matters involving complex technologies, supported by a deep bench of experienced PTAB litigators and technical professionals. Our teams efficiently manage disputes of all sizes across a wide range of industries, including:

- Electrical and computer technologies
- Software and computer-implemented inventions
- Business methods and fintech
- Mechanical, automotive, and consumer products
- Life sciences and biotechnology
- Medical devices

Our attorneys work closely with inventors, engineers, and expert witnesses to develop technically rigorous and persuasive arguments.

Experience and Recognition

- Banner Witcoff has represented clients in hundreds of PTAB proceedings on behalf of both patent owners and petitioners.
- The firm’s PTAB success rates consistently exceed national averages, reflecting disciplined strategy and effective advocacy.
- Many of our attorneys have prior USPTO experience, providing valuable insight into PTAB procedures and decision-making processes.
- PTAB litigation is a core component of the firm’s broader IP litigation practice, which also includes district court litigation, ITC proceedings, and appeals.

Why Clients Choose Banner Witcoff

Deep PTAB Litigation Experience

Our attorneys understand the unique procedural, evidentiary, and strategic considerations that define PTAB proceedings.

Integrated Dispute Strategy

We coordinate PTAB litigation with parallel district court, ITC, and portfolio management strategies to support broader business goals.

Technical and Legal Strength

Our team combines strong litigation capabilities with advanced technical expertise across key industries.

Client-Focused Efficiency

Clients value our ability to move quickly, communicate clearly, and deliver practical, actionable guidance in fast-paced proceedings.

Strategic Advocacy at the PTAB

Banner Witcoff's PTAB Litigation practice delivers focused, technically grounded advocacy designed to advance business objectives—at the Patent Trial and Appeal Board and beyond.

Relevant Practices

Appellate Litigation

Brand Protection

Copyright Registrations and Enforcement

Counseling, Opinions + Licensing

Counterfeit Goods Seizure

Design Patents

Jury Trials

Litigation

Patent Interferences

Patent Prosecution

Section 337/ITC Litigation

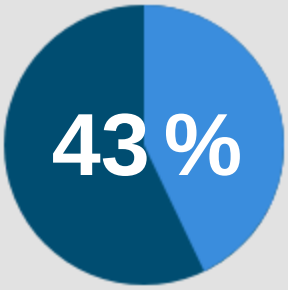
Trade Dress

Trade Secrets

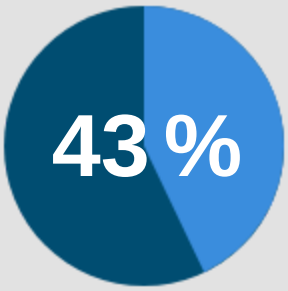
Trademarks

PTAB Litigation.

Banner Witcoff is successful on behalf of petitioners at the Patent Trial and Appeal Board, representing them in hundreds of proceedings.



IPR INSTITUTION RATE
15% above the average institution rate



INVALIDATING SOME OR ALL CLAIMS

4% above the average of patents going to final decision and having some or all claims invalidated

Representative Experience

Win For Banner Witcoff Client Greenbrier in Federal Circuit Court Affirming Summary Judgment of No Patent Infringement

November 26, 2025 — Banner Witcoff's client, The Greenbrier Companies, among the largest U.S. manufacturer of railroad cars and an industry leader, prevailed in a Federal Circuit decision affirming summary judgment of no patent infringement. A link to the decision is attached. The plaintiff, National Steel Car, filed suit in the Western District of Texas…

Albany International Corp. v. Kimberly-Clark Worldwide, Inc. (Patent Owner Experience)

The PTAB ruled in favor of our client, Kimberly-Clark, in denying institution of a post-grant review to invalidate Kimberly Clark's patent on laminated papermaking belts based on 19 grounds of invalidity.

Caterpillar v. Esco (Patent Owner Experience)

Received a favorable PTAB ruling for our client.

Synopsys v. Mentor Graphics (Patent Owner Experience)

Successfully represented out client, Mentor Graphics Corp., before the PTAB, finding nine out of 12 of the challenged claims relating to prototyping circuits were not unpatentable.

Clear-vu Lighting v. University of Strathclyde (Petitioner Experience)

Represented Clear-Vu Lighting as petitioner in an IPR proceeding against University of Strathclyde.

Coriant Operations v. Capella Photonics (Petitioner Experience)

The firm filed six petitions for IPRs on behalf of Coriant Operations.

Comcast v. Rovi (Petitioner Experience)

Banner witcoff filed four waves of IPRS on behalf of Comcast in defense of multiple ITC and district court attacks by Rovi.

Ashworth Brothers, Inc. v. Laitram, LLC (Petitioner Experience)

Banner Witcoff filed two petitions for IPRs on behalf of Ashworth Bros.

Banner Witcoff Secures Win for Sebia

Banner Witcoff secured a win for client Sebia at the PTAB by convincing the Board to deny institution of Helena Labs' Petition for Inter Partes Review of Sebia's patent related to separation of hemoglobins. Banner Witcoff argued that Helena Labs' prior art and arguments were the same as or substantially the same as those consider…

Another Win Secured for Ashworth Brothers, Inc. and Banner Witcoff Litigation Team

On Monday, January 29th, the U.S. District Court for the District of Delaware entered an Order of Dismissal with Prejudice of the patent infringement suit that Laitram, LLC and Intralox, LLC. brought against Ashworth Brothers, Inc. Laitram, LLC. and Intralox, LLC. v. Ashworth Brothers, Inc., C.A. No. 19-1130 (GBW). Banner Witcoff secured a complete win…

Banner Witcoff Obtains PTAB Win for Ashworth Brothers, Inc.

On Monday, November 27, the Patent Trial and Appeal Board issued its Final Written Decision on Remand in Ashworth Brothers, Inc. v. Laitram, LLC, IPR 2020-00593, holding that the only remaining patent claim that Laitram alleged to be infringed by Ashworth Bros. that had not previously been found to be unpatentable, was unpatentable for obviousness given the…

Ashworth Bros. Inc. v. Laitram LLC

Represented Ashworth Bros. Inc. in two IPR proceedings against Laitram, LLC, finding that eight (8) of nine (9) asserted claims of the two patents at issue are unpatentable for obviousness on multiple prior art grounds. All of the claims of Laitram's '645 patent were found unpatentable in IPR 2020-594 and four (4) of the five…

Albany International Corp. v. Kimberly-Clark Worldwide, Inc., PGR2021-00019, Paper 22 (PTAB June 22, 2021)

Represented Kimberly Clark in a post-grant review from Albany International alleging 19 grounds of invalidity and multiple invalidating sales to a competitor.

Ashworth Bros., Inc. Ashworth Bros., Inc. v. Laitram, L.L.C. IPR2020-00593, IPR2020-00594 U.S. Patent and Trial Appeal Board

Represented Ashworth Bros. Inc. in two IPR proceedings against Laitram, LLC, as well as an associated U.S. District Court patent infringement action involving Ashworth Bros. Posi-Drive Spiral™ Conveyor Belt System.

Clear-Vu Lighting Clear-Vu Lighting LLC v. University of Strathclyde, IPR2019-00431, U.S. Patent Trial and Appeal Board

Represented Clear-Vu Lighting as petitioner in an IPR proceeding against University of Strathclyde. Clear-Vu showed that the patent's claims directed to using blue light to inactivate certain types of bacteria such as MRSA were invalid.

Mattel Spin Master Ltd. V. Mattel, Inc., IPR2018-01672, IPR2018-01673 and IPR2018-01674, USPTO Patent Trial and Appeal Board

Represented Mattel in three inter partes reviews, as well as in an associated patent infringement case involving Mattel's Mecard line of transformable toys.

Comcast Cable Communications Comcast Cable Communications, LLC v. Rovi Guides, Inc., et al.; Nos. IPR2017-00217, et al., USPTO Patent Trial and Appeal Board

Represent Comcast in a large number of inter partes review petitions filed to defend our client against a series of ITC and district court attacks by Rovi.

NIKE In Skechers U.S.A., Inc. v. NIKE, Inc., Nos. IPR2017-00607, IPR2017-00608, IPR2017-00617, IPR2017-00619, IPR2017-00620, IPR2017-00621, IPR2017-00623, USPTO Patent Trial and Appeal Board

Represented NIKE against ongoing attempts to invalidate design patents related to its popular FREE midsole and outsole designs.

YETI Coolers, LLC. RTIC Coolers LLC v. YETI Coolers, LLC., Nos. IPR2016-01176, IPR2016-01207, IPR2016-01430, IPR2016-01432 and IPR2017-00468, USPTO Patent Trial and Appeal Board

Represented YETI in five inter partes reviews filed by RTIC Coolers against three of YETI's patents for technology related to the latching mechanisms contained on its heavy duty premium hard-sided coolers, and the materials and properties of its soft-sided coolers.

NIKE In Adidas AG v. NIKE, Inc., Nos. IPR2016-00921, IPR2016-00922, USPTO Patent Trial and Appeal Board

Represented NIKE in inter partes reviews brought by adidas against two NIKE patents related to its FLYKNIT technology.

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