

Nos. 2025-1263, 2025-1264, 2025-1265

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

DoDOTS LICENSING SOLUTIONS LLC,
Appellant,

v.

SAMSUNG ELECTRONICS CO., LTD., APPLE INC.,
Appellees.

Appeals from the United States Patent and Trade-
mark Office, Patent Trial and Appeal Board in Nos.
IPR2023-00621, IPR2024-00143, IPR2023-00701,
IPR2024-00145, IPR2023-00756, IPR2024-00144.

**APPELLANT DoDOTS LICENSING
SOLUTIONS LLC'S CORRECTED PETITION FOR
REHEARING EN BANC**

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CERTIFICATE OF INTEREST

I certify that the following information is accurate and complete to the best of my knowledge:

1. The full names of every party or *amicus* represented by me are:

DoDots Licensing Solutions LLC

2. The names of the real parties in interest represented by me are:

Not applicable

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or *amici curiae* represented by me are:

None

4. The names of all law firms and the partners or associates that appeared for the party or *amici curiae* now represented by me in the trial court or agency or are expected to appear in this court (and who have not or will not enter an appearance in this case) are:

Jason S. Charkow
Richard Juang
Chandran B. Iyer
Ronald M. Daignault
DAIGNAULT IYER LLP

5. The title and number of any case known to me to be pending in this or any other court or agency that could directly affect or be directly affected by this court's decision in the pending appeal are:

See DoDots Licensing Solutions LLC's Notice of Related Cases, ECF No. 13.

6. Organizational Victims and Bankruptcy Cases. The information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees) is:

Not applicable

Dated: October 22, 2026

By: /s/ Steven J. Reynolds
Steven J. Reynolds

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STATEMENT OF COUNSEL

Based on my professional judgment, I believe this appeal requires an answer to four precedent-setting questions of exceptional importance:

1. Should this Court address the procedural unfairness at the Patent Trial and Appeal Board—the reason obviousness, rather than anticipation, accounts for almost 90% of the grounds on which the Board finds claims unpatentable?

2. May patent rights be extinguished based upon proceedings that fail to provide adequate notice of any specific ground of invalidity, such as petitions that misleadingly state between 70 and 100 times noncommittal alternative language that invokes countless separate theories of invalidity (e.g., a POSITA would have *either* “recognized or found obvious” or “understood or found obvious” claim elements and sub-elements)?

3. Should secondary considerations be reduced to a near nullity by affirming a decision that strained to ignore one of the clearest and most applicable sets of secondary considerations ever put on record: showing that the prior art covering Microsoft’s Active Desktop, which Bill Gates admitted failed to solve a long-felt need after it was released, could never have rendered obvious patent claims that the public recognized *did* solve that long-felt need and that led directly to hundreds of millions of dollars of commercial success?

4. Should this Court correct inconsistent claim construction positions reached on the same terms in the same patents? In *Lenovo Holding Co. v.*

DoDots Licensing Sols. LLC, Nos. 2021-1247, 2021-1521, 2021-1580, 2021 U.S. App. LEXIS 36126, at *7 (Fed. Cir. Dec. 8, 2021), this Court stated that the NIMs were “applications” and that configurability is determined from the developer’s point of view. However, the panel affirmed invalidity in this latest appeal on the grounds that NIMs are mere linear boundaries and that configurability can be decided from the user’s point of view (e.g., the ability to move a box around, which has always been possible in Windows).

Dated: October 22, 2026

By: /s/ Steven J. Reynolds
Steven J. Reynolds

Based on my professional judgment, I believe the panel decision is contrary to the following decision(s) of the Supreme Court of the United States or the precedent(s) of this court:

Graham v. John Deere Co. of Kansas City, 383 U.S. 1 (1966) and *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). This Court countenanced the continued invalidation of patents based on obviousness positions that fail to meet the *Graham* and *KSR* standards.

Dated: October 22, 2026

By: /s/ Steven J. Reynolds
Steven J. Reynolds

INTRODUCTION

Most people who hear the story of DoDots and the Kembels come away believing they invented the “apps” we use today. But for the dot-com crash, “apps” might be called “Dots” or “NIMs.” This Court recognized that NIMs are applications in every sense of the word. *Lenovo*, 2021 U.S. App. LEXIS 36126, at *7. What sets them apart is how they are built. Developers define them with simple, non-executable templates (NIM templates) rather than by writing executable code. As *Lenovo* explained, the claims let developers fully configure the look and feel of custom applications without having to write executable code.

The Kembels’ story follows a simple arc: one thing failed, one thing worked. The failure was Microsoft’s Active Desktop. It was part of the Internet Explorer¹ browser and the subject of Brown²—that is, the supposedly invalidating reference. Bill Gates admitted that Active Desktop failed to solve the problem the claims address: escaping the browser. NIMs and NIM templates solved it. Forbes, Fortune, and the public lauded the Kembels for succeeding where Microsoft failed. Secondary considerations do not get better than this. Yet the Board discarded them.

¹ See, e.g., Appx1266.

² See, e.g., Appx1283; Appx2092, Appx2097 (images of Active Desktop in Brown).

The path to that result reads like a choose-your-own-adventure book. In the second round of IPRs, Petitioners paired Brown with Wecker. Do-Dots showed that Wecker did not disclose non-executable templates, so Petitioners switched arguments. The way their petitions were constructed allowed it. They were built on between 70 and 100 noncommittal alternatives. They failed to identify or commit to specific differences under the second Graham factor. So, many options remained open at every stage of the proceedings.

At the hearing, the Board reconstrued the claims on the fly. Even Petitioners' counsel objected as it happened.³ This Court then affirmed on grounds that cannot be squared with *Lenovo*.

No rational person (unless familiar with PTAB practice) could understand this outcome. Not the inventors. Not those who believed in them and their success. Not the folks they counsel. Not the public. It reflects a broad substantive and procedural problem as well as a disconnect that threatens public confidence in these courts.

This Court can fix, should fix, the procedural unfairness now rampant at the Board. It can do so in two ways applicable to this case. First, make Petitioners disclose and commit to complete positions, instead of merely listing potential grounds. Rule that they failed to do so here. Second, prevent overreliance on purported obviousness grounds. Rule that

³ Petitioners' counsel was "bothered ... about construction of construction" in response to the Board's questioning. Appx1384.

Petitioners and the Board failed to provide the analysis required by *Graham* and *KSR*.

BACKGROUND

Microsoft released Active Desktop in 1997 and put it on millions of computers.

The Kembels filed provisional patent applications in April 1999.

In 2000—three years after Active Desktop was introduced—Bill Gates and Microsoft had still failed to make the browser “just go away.”

In 2000, both *Fortune* and *Forbes* magazines recognized that DoDots did what Bill Gates could not.

By March 2000, DoDots was valued at \$275 million—more than \$500 million in 2024 dollars. It employed more than 100 people and had more than 250,000 end-users. Appx5342; Appx4983.

The dot-com bubble burst shortly thereafter.

The Board determined that DoDots’ NIM applications were novel because they can be created without executable code (which applications usually require). *See* IPR2019-00988, -01279, and -01278.

This Court affirmed the decision. It determined that NIMs have an “application feel.” *Lenovo*, 2021 U.S. App. LEXIS 36126, at *7. It recognized that the NIM template allowed *developers* to fully configure those NIM applications.

Apple and Samsung filed a second round of IPRs. The Board determined that the claims recite boxes to be drawn around applications and

not applications. And it determined that they are fully configurable because a *user*—not a developer—can resize and position them “at any location on the desktop.” Appx17. That is, just like any other window since the Windows operating system was introduced.

REASONS FOR GRANTING REHEARING EN BANC

I. Procedural Unfairness Is the Reason Too Many Patents Are Being Invalidated

Is there any legitimate explanation for why obviousness, rather than anticipation, accounts for almost 90% of the grounds on which the Board finds claims unpatentable?

Final Decision: Unpatentable			
§ 101	170	170	<div style="width: 100%; height: 10px; background-color: blue;"></div>
§ 102	1247	1,581	<div style="width: 100%; height: 10px; background-color: orange;"></div>
§ 103	4412	11,313	<div style="width: 100%; height: 10px; background-color: green;"></div>
§ 112	82	108	<div style="width: 100%; height: 10px; background-color: red;"></div>

4

The answer is no. This problem is systemic, a procedural unfairness that pervades patent challenges.

Obviousness has expanded into a much broader, easier, less rigid path to invalidity than anticipation. That is wrong. Obviousness is a different inquiry, not a less stringent one. Anticipation requires disclosure of all limitations in a single piece of prior art. Obviousness permits use of multiple references (or, in certain, limited instances, a POSITA’s knowledge)

⁴ Lex Machina Statistics (in PTAB proceedings filed between Sept. 16, 2012, and Sept. 25, 2026, that reached a final written decision, unpatentability findings by ground: $11,313 / (11,313 + 1,581) = 88\%$).

to fill some gaps. But it requires meeting the Supreme Court’s test for obviousness. That *should* be a substantive requirement. It has not been.

The type of reasoning this panel affirmed renders the obviousness part of obviousness a nullity. It reduces to make-technology-better:

Petitioner provides the following motivation ... : “to improve data transfer times, increase usability, standardize interfaces across different devices, reduce client-side storage requirements, and/or to capitalize on the growing need to display internet content in a customizable way.”

. . . .

Brown and Wecker each describe the access and display of web content outside of the then-traditional browser model, with each describing subscribing to web content in a way which periodically new content is retrieved and updated.

Appx48–49. Obviousness “cannot be sustained by mere conclusory statements” *KSR*, 550 U.S. at 418 (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). Those rationales either reduce to make-technology-better or describe the prior art at such a high level of abstraction that it loses all meaning. That loosely stated rationale could be used to contend that a POSITA would have had reason to combine any and all Internet browsing technology with a reasonable expectation of success. No. “[I]nstead, there must be some articulated reasoning with some rational underpinning.” *Id.*

This Court can fix the problem. It should rule that petitioners must articulate and commit to a fully stated obviousness position—certainly not one that allows them and the Board to pivot at their leisure. It should require that the second *Graham* factor be made explicit. *See infra* Section V.

The Board must then conduct a full obviousness analysis, such as the one provided in *Graham* and *KSR*.

The rulings below (which mirror almost all rulings from the PTAB) depart from *KSR*. They rely on generalized, conclusory motivations. They do nothing to filter out pure hindsight. *KSR*, 550 U.S. at 421; *Graham*, 383 U.S. at 36 (warning against a “temptation to read into the prior art the teachings of the invention in issue” and instructing courts to “guard against slipping into use of hindsight” (quoting *Monroe Auto Equip. Co. v. Heckethorn Mfg. & Sup. Co.*, 332 F.2d 406, 412 (6th Cir. 1964))).

KSR examined the state of the art and the state of the industry beyond the references’ own disclosures: “There then existed a marketplace that created a strong incentive to convert mechanical pedals to electronic pedals” *KSR*, 550 U.S. at 424. By doing so, it avoided the type of circular reasoning petitioners repeatedly proffer—and the Board accepts: that the references could be combined because they each disclosed elements and benefits and having two benefits as opposed to one might be beneficial. It explained, step by step and in specific terms, why a designer would have pursued the path that led to the applied combination. *KSR*, 550 U.S. at 425.

The *KSR* analysis is real and concrete. It describes a record beyond what the to-be-combined references themselves state. It bears no resemblance to the way the Board below would have conducted it: a POSITA

would have combined the references “to improve [pedal movement], increase usability, standardize [arrangements] across different [pedals], reduce [bulk and complexity], *and/or* to capitalize on the growing need to [place pedals] in a customizable way.” Appx48 (emphasis added); *see also* Appx102, Appx406.

II. The Petitions Violate the APA and Fundamental Fairness

DoDots makes a simple request on behalf of patent owners: give us fair notice of the actual ground being argued so we can respond to it. Not all patents will succeed. But patent owners should, at least, be afforded a measure of satisfaction when their legacy is extinguished. They are entitled to know the reasons they lost—explained as if they were there in person for the rulings. Instead, the rulings too often read like clearinghouse decisions, largely summarizing arguments and summarily stating, “We find....”

Further, IPR proceedings make it impossible to respond to voluminous, alternative arguments for four reasons.

First, there are word limits for patent owner responses and replies. It takes far fewer words to present a set of alternatives than to respond to them. Petitioners have learned to rely on that asymmetry (e.g., by invoking both obviousness and anticipation with phrases like “a POSITA would have recognized or found obvious” or “understood or found obvious”).

Second, the Board does not rule until the proceedings have concluded. So, a patent owner has no way of knowing which of the alternative paths the Board might follow until it is too late—as it was here.

Third, and relatedly, the PTAB has stated that motions to strike “the entirety or a portion of a party’s brief is an exceptional remedy that the Board expects will be granted rarely.”⁵ And even if a patent owner filed a motion to strike, the month-by-month timeline of IPR briefs would not allow a party to wait for a ruling before crafting its arguments.

Fourth, even if the patent owner attempts to address every argument raised in the petition or shifted in the Reply, the Board might ignore them all, as it did here. *See* Appx49 n.6, Appx104 n.5, Appx130 n.3.

Petitioners in the proceedings below stated some version of a POSITA would “have recognized or found obvious” or “understood or found obvious” some element between 70 and over 100 times. Those invoke hundreds of different *grounds*—or paths down which the proceedings might head. The Petitions never identified what the proposed modification might be in any of those instances, so DoDots had nothing to rebut.

This Court has recognized that analyzing the disclosures of the prior art is *materially different* under each ground: “In the context of anticipation, the question is not whether a prior art reference ‘*suggests*’ the claimed

⁵ USPTO Practice Guide, available at <https://www.uspto.gov/patents/ptab/trial-practice-guide> (*see* Motion to Strike section).

subject matter[.] . . . [r]ather, the dispositive question regarding anticipation is whether one skilled in the art would *reasonably understand* or *infer* from a prior art reference that every claim element is disclosed in that reference.” *Eli Lilly & Co. v. L.A. Biomedical Rsch. Inst. at Harbor-UCLA Med. Ctr.*, 849 F.3d 1073, 1074–75 (Fed. Cir. 2017) (citing *AstraZeneca LP v. Apotex, Inc.*, 633 F.3d 1042, 1055 (Fed. Cir. 2010)) (internal brackets and quotation marks omitted, emphasis added). They cannot be lumped together.

Indeed, “despite the often-quoted maxim that anticipation is the epitome of obviousness,” novelty and nonobviousness “are separate conditions of patentability and therefore separate defenses.” *Cohesive Techs., Inc. v. Waters Corp.*, 543 F.3d 1351, 1363 (Fed. Cir. 2008) (cleaned up). They “require[] different tests and different elements of proof.” *Minkin v. Gibbons, P.C.*, 680 F.3d 1341, 1351 (Fed. Cir. 2012).

What was DoDots to do amidst a swarm of alternative statements? It noted that Petitioners seemed to have abandoned single-reference obviousness grounds. *See, e.g.*, Appx1262. The final written decisions reflect this. They did not identify which ground the Board actually relied on. The Board’s conclusion in the ’083 FWD is representative. It weighs nothing. It says only “on balance, considering the complete record” before calling claim 1 obvious. Appx39. It presents no finding on *Graham* factor two—implicitly or expressly. *CRFD Rsch., Inc. v. Matal*, 876 F.3d 1330, 1345–46 (Fed. Cir. 2017) (the Board legally erred by basing obviousness on anticipation-style findings). This error is not harmless. In reviewing an agency

action, this Court cannot “supply a reasoned basis for the agency’s action that the agency itself has not given.” *Rovalma, S.A. v. Böhler-Edelstahl GmbH & Co. KG*, 856 F.3d 1019, 1024 (Fed. Cir. 2017).

All this confusion resulted from petitions that violate the law. That law “requires that the parties to IPRs receive notice of arguments and evidence and have an opportunity to be heard.” *Corephotonics, Ltd. v. Apple Inc.*, 84 F.4th 990, 1001 (Fed. Cir. 2023); 5 U.S.C. § 706. The petition is “the centerpiece of the proceeding both before and after institution.” *SAS Inst., Inc. v. Iancu*, 584 U.S. 357, 369 (2018).

The AIA requires a petition to state “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.” 35 U.S.C. § 312(a)(3). The petition “must provide an understandable explanation of the element-by-element specifics of the patentability challenges, including the identification of particular portions of prior art on which the petitioner is relying.” *Corephotonics*, 84 F.4th at 1001. “[I]t is the petitioner’s burden to present a clear argument.” *Apple Inc. v. Gesture Tech. Partners, LLC*, 129 F.4th 1367, 1375 (Fed. Cir. 2025).

III. Secondary Considerations May Not Get Better

Bill Gates released Microsoft Active Desktop in 1997. It is described in the Brown reference that was used to invalidate the claims. But Gates effectively admitted that Brown did not anticipate or render obvious the claims. He recognized that Active Desktop failed to enable developers to

escape the browser and said as much publicly. DoDots then filed its patents and released its Dots (called NIMs in the patents). Major publications, Forbes and Fortune, recognized their accomplishment in solving that long-felt need. And neither party disputed that DoDots obtained a valuation of \$275 million (in year-2000 money) as a result. The Board then refused to apply the presumption of a nexus. It asserted that a “server structure” and ecosystem were significant aspects of novelty. *See, e.g.*, Appx30–32. This does not pass logical muster. Servers and developer ecosystems predated the inventions. It was the simple, non-executable nature of NIM template code that made those ecosystems possible. Further, that infrastructure is recited in the claims. *See, e.g.*, ’545 patent, cl. 1 (Appx338); ’083 patent, cls. 6–8 and 14–16 (Appx211–12); ’407 patent, cls. 12 and 24 (Appx275–76).

Objective evidence “may often be the most probative and cogent evidence in the record.” *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 1538 (Fed. Cir. 1983). A brightline rule excluding nexus is “unsound.” *Teva Pharms. Int’l GmbH v. Eli Lilly & Co.*, 8 F.4th 1349, 1361 (Fed. Cir. 2021). “Under such a rule the presumption of nexus would rarely, if ever, attach because virtually every innovative product inevitably has some unclaimed feature that materially affects its functionality.” *Id.* The Board violated that maxim. It appeared to do the opposite, to search out a reason to avoid the nexus.

The Board also discounted DoDots' valuation. DoDots cited the \$275 million valuation in its Patent Owner Responses. Appx1006. Samsung never disputed that figure. Appx1172–76. Thus the Board's and this Court's rulings violated the proscription against disregarding undisputed evidence (terms of DoDots' valuation). *Polaris Indus., Inc. v. Arctic Cat, Inc.*, 882 F.3d 1056, 1068 (Fed. Cir. 2018) (holding that the Board failed to properly consider the patentee's undisputed evidence opposing the combination).

If secondary considerations cannot succeed on these types of facts, they have little hope of playing into any obviousness analysis. Discounting secondary considerations in this way violates precedent of both the Supreme Court and this Court. *Graham*, 383 U.S. at 17–18; *WBIP, LLC v. Kohler Co.*, 829 F.3d 1317, 1328 (Fed. Cir. 2016) (“Indeed, we have repeatedly stressed that objective considerations of non-obviousness must be considered in every case.”) (citations omitted).

IV. The Panel Reached Inconsistent Decisions on the Same Claim Terms of the Same Patents

The panel decision cannot be squared with this Court's holding in *Lenovo*, 2021 U.S. App. LEXIS 36126, at *7. The sole issue in that case was whether the construction of the term “NIM template” to “exclude ‘executable applications/compiled code’” was correct. *Id.* at *5.

Notably, the Court never doubted that NIMs were applications. It never addressed whether executable code would ever be needed to define

the box *around* an application. No, the question arose because NIMs have all the characteristics of fully configurable *applications*. The issue was whether the NIM templates that define them must include the type of executable code that had, until that point, been required to create applications.

The Court was clear. NIMs are *applications*. *Id.* They just exclude one type of application: executable *applications*. The Court recognized that NIMs have all the other characteristics of custom *applications*: “NIMs allow a developer to provide an application feel *without developing custom client applications*.” *Id.* at *7. Thus this Court’s latest ruling contradicts its prior holding. It affirmed the Board’s ruling that the recited “frame” is simply the NIM’s linear boundary. Appx16–17. A linear boundary is not an application.

The Court was equally clear that configurability is determined from the standpoint of developing the NIMs. The sentence quoted above mentions what a “developer” can “provide” while “developing” applications. Here again, this Court issued an inconsistent ruling. It affirmed a decision that Brown’s desktop components were “fully configurable frames” because a *user* could move and resize them on the screen. Appx17.

V. This Court Failed to Follow the Supreme Court’s Holdings in *Graham* and *KSR*

It was not evident from the Petition and Reply papers what Petitioners’ obviousness argument actually was. Neither presented nor applied the

second *Graham* factor. It was never clear, for example, whether Petitioners were relying on Wecker’s templates instead of Brown’s lines of HTML code, relying on Wecker’s memory storage capability instead of Brown’s registry, or relying on Wecker’s ability to transmit its templates over a network. Certainly, the obviousness analysis would have had to change based upon how a POSITA would have been alleged to have fit those pieces together. But the Petitions never clarified. And Petitioners’ second expert and new arguments on Reply further muddled the record.⁶

“The ‘factual inquiry whether to combine references must be thorough and searching,’ and ‘the need for specificity pervades [the Federal Circuit’s] authority’ on the Board’s findings on motivation to combine.” *Palo Alto Networks, Inc. v. Centripetal Networks, LLC*, 122 F.4th 1378, 1385 (Fed. Cir. 2024) (citation omitted) (vacating when “the Board erred by not addressing the evidence and the argument for the motivation to combine and by failing to provide an adequate explanation for its finding.”); *In re Anova Hearing Labs, Inc.*, 809 F. App’x 840, 843 (Fed. Cir. 2020) (same). Petitioners are required to address all four *Graham* factors in their obviousness analysis. *WBIP*, 829 F.3d at 1328 (“A determination of whether a

⁶ The Petition and Petitioners’ first expert (Schmidt) relied on Wecker’s “script templates” (Appx575). DoDots showed those contain executable VBScript, which the construction excludes (Appx1047–48). On Reply, a new expert (Greenspun) disclaimed script templates and pivoted to Wecker’s “general teachings of template storage and remote template management” (Appx1144). The Board adopted that version (Appx47).

patent claim is invalid as obvious under § 103 requires consideration of all four *Graham* factors, and it is error to reach a conclusion of obviousness until all those factors are considered.” (citations omitted)).

Graham factors one and two go hand-in-hand. Motivation to combine and expectation of success are generally considered as part of the first factor. *DyStar Textilfarben GmbH v. C.H. Patrick Co.*, 464 F.3d 1356, 1370 (Fed. Cir. 2006). It is not possible to determine whether a POSITA would have been motivated to combine references, or had a reasonable expectation of success (or predictable results), without *specifically* identifying and addressing the differences—or “gaps”—between the claims and the art. It is necessary to determine whether it would have been obvious “to bridge the gaps between the prior art and the claims.” *Apple Inc. v. Samsung Elecs. Co.*, 839 F.3d 1034, 1061 (Fed. Cir. 2016) (en banc); *Pfizer Inc. v. Sanofi Pasteur Inc.*, 94 F.4th 1341, 1348 (Fed. Cir. 2024).

VI. Conclusion

For these reasons, this Court should grant rehearing *en banc*. It is crucial to ensuring public confidence in the courts and the patent system.

October 22, 2026

Respectfully submitted,

/s/ Steven J. Reynolds

Counsel for Appellant DoDots Licensing Solutions LLC

Addendum

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

DODOTS LICENSING SOLUTIONS LLC,
Appellant

v.

SAMSUNG ELECTRONICS CO., LTD., APPLE INC.,
Appellees

2025-1263, 2025-1264, 2025-1265

Appeals from the United States Patent and Trademark Office, Patent Trial and Appeal Board in Nos. IPR2023-00621, IPR2023-00701, IPR2023-00756, IPR2024-00143, IPR2024-00144, IPR2024-00145.

JUDGMENT

CHARLES E. FOWLER, JR., McKool Smith, P.C., Austin, TX, argued for appellant. Also represented by BRANDON MERRILL, Dallas, TX.

MICHAEL JOHN BALLANCO, Fish & Richardson P.C., Washington, DC, argued for all appellees. Appellee Samsung Electronics Co., Ltd. also represented by LAUREN ANN DEGNAN, IRENE HWANG, MICHAEL J. McKEON, ADAM SHARTZER; JOSEPH RICHARD DORRIS, Atlanta, GA.

STEPHEN DESALVO, Kirkland & Ellis LLP, Washington, DC, for appellee Apple Inc. Also represented by DIVA R. HOLLIS, JOHN C. O'QUINN, JASON M. WILCOX.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (LOURIE, LINN, and CHEN, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

September 15, 2026
Date


Jarrett B. Perlow
Clerk of Court



Specialty Venues

Showing 19,380 PTAB trials; filed between 2012-09-16 and 2026-09-25.; sorted by most recent document activity.

Grounds

Statute	Trials	Grounds
Institution Decision: Instituted		
§ 101	285	289
§ 102	3139	4,542
§ 103	9609	32,133
§ 112	216	363
Institution Decision: Denied Institution		
§ 101	82	82
§ 102	1778	2,694
§ 103	4994	15,942
§ 112	166	273
Final Decision: Unpatentable		
§ 101	170	170
§ 102	1247	1,581
§ 103	4412	11,313
§ 112	82	108
Final Decision: Upheld		
§ 101	16	16
§ 102	715	906
§ 103	2231	5,769
§ 112	62	92

CERTIFICATE OF COMPLIANCE

The petition complies with the type-volume limitation of Fed. Cir. R. 28(b)(1)(A) and 32(b)(1) because it contains 3,431 words. This petition complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it was prepared in a proportionally spaced typeface using Microsoft Word in Calisto MT 14-point font.

By: /s/ Steven J. Reynolds

CERTIFICATE OF SERVICE

On October 22, 2026, I electronically filed this document with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit through the Court's CM/ECF system, which served it on all counsel of record.

By: /s/ Steven J. Reynolds