

**17<sup>th</sup> ANNUAL  
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**PTAB Hot Topics and Recent Developments**

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**17<sup>th</sup> Annual  
Advanced Patent Law Institute**

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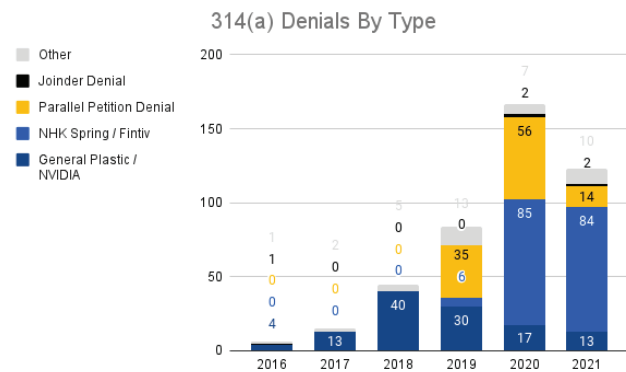
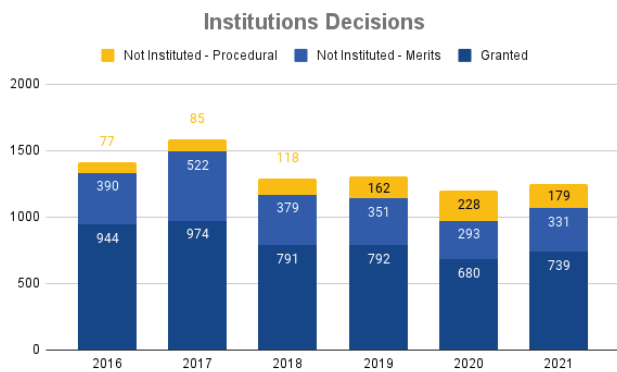
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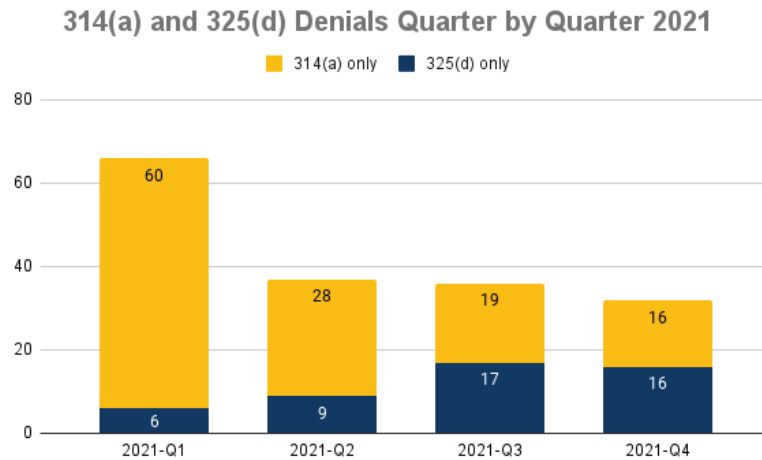
- **Discretionary denials**
  - *Fintiv*
  - *General Plastic/Valve* (serial petitions)
  - Parallel petitions
  - 325(d)
- **What will Director Vidal do?**
- **The fallout from *Arthrex***

## Discretionary denials: still high in 2021

- 179 in 2021 vs. 228 in 2020
- *Fintiv* almost at the same level



# But a decline over the course of 2021



## What is going on?



### 1. The *Sotera* effect.

With a “strong” stipulation, institution has been granted despite a scheduled trial date that precedes the FWD by:

- **7 months.** *Cosentino S.A.U. v. Cambria Company LLC*, IPR2021-00216 (May 18, 2021).
- **8 months.** *SK hynix Inc. et al v. Netlist, Inc.*, IPR2020-01421 (Mar. 16, 2021).
- **9 months.** *PNC Bank, NA v. United Servs. Automobile Ass'n*, IPR2021-01070 (Feb. 7, 2022).
- **10 months.** *Samsung Elecs. Co., Ltd. v. Acorn Semi, LLC*, IPR2020-01183 (Feb. 10, 2021).
- **11 months.** *Tianma Micro-elecs. Co. v. Japan Display Inc.*, IPR 2021-01057 (Jan. 6, 2022).

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