

Fintiv Does Not Apply To Remanded Decisions

AUGUST 13, 2021

Samsung Electronics America, Inc. v. Prisia Engineering Corp., IPR2017-01188, Paper 86 (PTAB Jan. 14, 2021).
Before: Parvis, White, McMillin.

In this decision on remand from the Federal Circuit, patent owner moved to terminate the proceeding because, among other reasons, a parallel district court litigation had proceeded to a jury verdict upholding the validity of the challenged patent. The patent owner argued that moving forward with this proceeding would frustrate the purpose of providing an efficient substitute for resolution of validity issues announced in precedential decisions like *NHK Spring* and *Fintiv*.

The Board denied the motion because once instituted, a petitioner is entitled to a final written decision. Since the instant proceeding had already been instituted, *NHK Spring* and *Fintiv* did not apply. In addition, the Board denied the motion to terminate because the parallel district court litigation was presently stayed pending resolution of the IPR proceeding.

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