

Post-Grant Proceedings

Patent validity challenges before the Patent Trials and Appeals Board (PTAB) are a less costly and faster alternative to the U.S. district courts or U.S. International Trade Commission (ITC). With a long history of successes, Polsinelli has built one of the nation's most experienced PTAB practices.

Polsinelli's post-grant team has hundreds of successfully managed PTAB matters and reexaminations under their belt. Our dedicated team of seasoned patent litigators and patent prosecutors adopts an integrated approach, seamlessly collaborating between litigation and prosecution teams to navigate the complexities of PTAB proceedings with precision and provide comprehensive representation. Polsinelli's strategic business focus is on developing practical solutions that support market leadership and commercial objectives.

Comprehensive Counsel for Petitioners and Patent Owners

At Polsinelli, we recognize post-grant proceedings as a crucial component of a company's broader intellectual property (IP) and business strategy. Our team develops tailored approaches for both petitioners seeking to neutralize patent threats and patent owners aiming to strengthen their critical IP assets. Each engagement is carefully aligned with the client's commercial and litigation objectives, focusing on:

- **Preserving or Expanding Market Position:** Safeguarding patents that drive revenue, support key product lines, and maintain a competitive edge.
- **Optimizing Claim Construction and Non-Infringement Strategies:** Crafting precise, technically sound arguments and amendments that align with broader legal and commercial considerations.
- **Proactive Risk Management:** Assessing vulnerabilities in patent portfolios to minimize litigation exposure and protect strategic research and development (R&D) investments.
- **Leveraging Post-Grant Strategies to Facilitate Settlements and Dispute Resolution:** Utilizing PTAB insights to inform negotiations, streamline co-pending litigation, and enhance overall bargaining positions.

Polsinelli's post-grant strategies seamlessly integrate with broader legal and business objectives, ensuring every move before the PTAB or Central Reexamination Unit advances your core goals, whether defending a cornerstone portfolio or challenging a competitor's overbroad claims.

Seamless Coordination with District Court and ITC Actions

Polsinelli's post-grant team collaborates closely with litigation counsel, creating a cohesive strategy across District Court and ITC proceedings.

- Petitioners leverage PTAB proceedings to challenge patent validity in a specialized forum, potentially narrowing issues and reducing liability in parallel litigation.
- Patent owners reinforce the strength of their claims, refine claim construction, and maintain momentum across multiple venues to safeguard market share.

By synchronizing tactics across every forum, Polsinelli preserves consistent positions, enhances litigation efficiency, and maximizes your competitive advantage.

Experience Across Post-Grant Forums and Reexaminations

Polsinelli guides clients through a comprehensive range of post-grant proceedings, including:

- Inter Partes Review (IPR): Addressing novelty and obviousness challenges under §§102 and 103.
- Post-Grant Review (PGR): Offering broad-based validity challenges within nine months of patent issuance.
- Ex Parte Reexaminations: Providing additional avenues to confirm or dispute patent validity and alter claim scope.

Unmatched Technical and Legal Depth

Polsinelli's team comprises professionals with advanced and doctorate degrees in diverse technical fields, from biotechnology and pharmaceuticals to engineering and software. This comprehensive knowledge base enables us to:

- Develop persuasive petitions and responses grounded in rigorous technical analysis.
- Adapt swiftly to evolving PTAB procedures, case law, industry changes, and other relevant developments.
- Coordinate effectively between post-grant matters, litigation, and licensing to support each client's broader business objectives.

Why Choose Polsinelli?

Having successfully handled hundreds of PTAB matters and reexaminations before the Central Reexamination Unit (CRU), Polsinelli stands as one of the nation's most experienced post-grant practices. Clients across various industries rely on Polsinelli's post-grant team for clear, strategic counsel and proven results. Reach out to our dedicated post-grant attorneys to safeguard your intellectual property and propel your business forward.

For more information about PTAB proceedings, [click here](#).

Matters

- Represented a Fortune 100 consumer device company in post grant proceedings resulting in the cancellation of all claims asserted against client.
- Successfully defended portfolio of fourteen patents from eight different families related to networking technology in post grant challenges brought by direct competitor. Upheld claims were found to be infringed in companion litigation leading to a verdict over \$100M for our client.
- Represented a publicly traded consumer electronics company in multiple post grant proceedings related to antenna design, resulting in a settlement on favorable terms.
- Assisted in formulating and implementing strategy at publically traded bio-tech company to deal with influx of licensing demands through aggressive use of post grant proceeding. Results have substantially reduced client's expected licensing costs resulting in increased profitability for multiple product lines.
- Represented a publicly traded consumer electronics company in multiple post grant proceedings related to network infrastructure and design, resulting in a settlement on favorable terms.
- Filed one of the first inter partes review (IPR) petitions for a large multi-national technology company that helped establish the case law for when a Petitioner was estopped from filing an IPR, due to prior service of infringement complaint. Case resolved with favorable settlement for client.
- Represented a publicly traded consumer electronics company in multiple post grant proceedings related to mobile phone features and design, resulting in a settlement on favorable terms.

- Defended a medical device company in multiple post grant proceedings related to sleep apnea devices, resulting in a settlement on favorable terms.
- Represented a publicly traded consumer electronics company in multiple post grant proceedings related to graphical user interface design, resulting in a settlement on favorable terms.
- Represented a publicly traded consumer electronics company in multiple post grant proceedings related to semiconductor design, resulting in a settlement on favorable terms.
- Successfully represented a publicly traded energy company in post grant proceedings related to behavioral science in energy consumption. The matter resulted in the Patent Owner entering an adverse judgment against itself.