



Claim Construction in PTAB Order Denying Petition for Inter Partes Review Does Not Have Preclusive Effect in District Court

Dec 17, 2015

Reading Time : **1 min**

By: Rubén H. Muñoz

In its preliminary response, Patent Owner stated that it disagreed with Defendant's construction, but did not provide a separate construction. It then argued that the claims were not anticipated. The PTAB agreed with Patent Owner and denied the petition. Defendant then filed a motion to modify the court's claim construction, arguing that collateral estoppel should apply, because the PTAB relied on its claim construction in denying the IPR petition.

The court held that the PTAB's choice not to institute an IPR is not the type of adjudication that leads to issue preclusion. The court also noted that *without analysis*, the court adopted the defendant's construction in finding that the presented prior art did not anticipate the claims. The fact that the Patent Owner did not provide the PTAB with any construction did not weigh in favor of issue preclusion in a preliminary proceeding.

Adidas AG et al v. Under Armour Inc., No, 1-14-cv-00130 (D. Del. Dec. 15, 2015).

Categories

District Court

Patent Trial & Appeal Board

Inter Partes Review

© 2025 Akin Gump Strauss Hauer & Feld LLP. All rights reserved. Attorney advertising. This document is distributed for informational use only; it does not constitute legal advice and should not be used as such. Prior results do not guarantee a similar outcome. Akin is the practicing name of Akin Gump LLP, a New York limited liability partnership authorized and regulated by the Solicitors Regulation Authority under number 267321. A list of the partners is available for inspection at Eighth Floor, Ten Bishops Square, London E1 6EG. For more information about Akin Gump LLP, Akin Gump Strauss Hauer & Feld LLP and other associated entities under which the Akin Gump network operates worldwide, please see our Legal Notices page.