



PTAB Designates Two of Its Earlier Decisions as Precedential

Jan 29, 2016

Reading Time : **1 min**

By: Rubén H. Muñoz, Ifti Ahmed

The second decision, *Westlake Services LLC v. Credit Acceptance Corp.*, clarified that estoppel under 35 USC § 325(e) applies on a claim-by-claim basis. Petitioner Westlake, who had been sued by CAC, sought CBM review of all 42 claims of the CAC's financing method patent. The Board instituted review as to only 19 claims and found them unpatentable under § 101 in its final written decision. Westlake filed a second CBM petition on the same patent seeking review of the remaining 23 claims. CAC sought to terminate the second proceeding, arguing that estoppel under § 325(e)(1) applies to all claims challenged by a petitioner, not just the instituted ones, and that a contrary reading of the statute would allow serial challenges to a patent. The Board rejected that argument, finding that the statute plainly applies to claims that "result in a final written decision." It noted that its prior final written decision did not in any way incorporate portions of its institution decision relating to claims for which trial was not instituted. The Board therefore denied CAC's motion, and in its final written decision in the second proceeding, found the remaining 23 claims also unpatentable under § 101.

LG Electronics v. Mondis Technology, No. IPR2015-00937 (PTAB Sept. 17, 2015).

Westlake Services v. Credit Acceptance Corp., No. CBM2014-00176 (PTAB May 14, 2015).

Categories

Patent Trial & Appeal Board

Unpatentability

America Invents Act

§ 101 Analysis under Alice

Technology

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.