

A. Inventorship/Invention and Priority Dates

Where the challenged patent’s priority date is before the filing date of published U.S. application (Published App) but after that of a referenced provisional, “to establish [Published App] as prior art to the [challenged] patent, [petitioner] must show that [Published App]’s provisional application provides written description support for at least one claim of [Published App].” *Dental Monitoring SAS v. Align Tech., Inc.*, 2025-1752, 8/10/26.

B. Prior Art Invalidity

“The Board then turned to Ellsberry’s disclosure that its memory modules are compatible with Joint Electron Device Engineering Council (“JEDEC”) standards.” “The Board’s reliance on Ellsberry’s teachings, as supported by the JEDEC standards, constitutes substantial evidence that Ellsberry teaches enabling data paths in accordance with a latency parameter.” *Netlist, Inc. v. Micron Tech., Inc.*, 2024-1707, 9/2/26.

“BSC’s uncontradicted expert testimony was that a relevant artisan would understand Song to disclose a composition that has varying rates of drug release. UT undisputedly offered no evidence to the contrary and has, even by lawyer’s argument, provided no reason to doubt the testimony of BSC’s expert.” *Board of Regents v. Boston Scientific Corp.*, 2024-2062, 7/27/26.

“Slingshot states that the figure did not disclose any bondpads. However, the location of the bondpad was a finding that rested on multiple, factually supported grounds. The Board relied on Benjamin144, Benjamin703, and expert testimony to determine a skilled artisan would understand the bondpad would be located at the edge of the heater chip.” *Slingshot Printing LLC v. Canon U.S.A., Inc.*, 2025-1032, 7/16/26 (nonprecedential) (citation omitted).

“[O]ur case law does not prohibit a basic visual examination of patent figures or drawings. The Board compared general relative distances among components in the figure—it did not rely on the figure to extract “precise proportions” or “particular sizes.” Substantial evidence supports the Board’s findings on how a skilled artisan would understand the figures.” *Slingshot Printing LLC v. Canon U.S.A., Inc.*, 2025-1032, 7/16/26 (nonprecedential) (citation omitted).

“We need not go further than *Sanho* to determine that no reasonable jury could have found that the sale of the AirLock to Tundra was a public disclosure. As in *Sanho*, the AirLock was privately sold to a single party (Tundra). As in *Sanho*, there is no evidence that AirLocks were widely distributed or placed where the public could examine them. Instead, NCS’s CEO testified that, even when sold to Tundra, the AirLock was delivered in a sealed black tube that would have to be cut open.” *NCS Multistage Inc. v. Nine Energy Serv., Inc.*, 2025-1000, 9/14/26 (citation omitted).

Patentee’s expert “testified that the polymer fibers in Song release the agent upon being deformed by a user chewing on them, whereas the ’296 patent addresses usefulness in applications involving tissue engineering or stents. For multiple reasons, this testimony

cannot reasonably support a finding that Song does not teach the biodegradable polymer fiber element of the claims at issue here.” “Song clearly teaches degradation from exposure to a solvent, such as at the open ends or sides of a fiber, even apart from fiber deformation (which can help expose more agent to the solvent).” Board of Regents v. Boston Scientific Corp., 2024-2062, 7/27/26.

“Because UT’s expert testimony about the mechanism of release of the drug does not address a claim requirement, it does not provide sufficient evidence for a reasonable jury to find that Song’s noncontiguous phases of active agent do not anticipate the ’296 patent’s “discrete drug-containing regions.”” Board of Regents v. Boston Scientific Corp., 2024-2062, 7/27/26.

“The problems confronting an inventor are not limited to those expressly identified in a patent, and a patent may be directed to multiple problems.” The Nielsen Company (US), LLC v. TVision Insights, Inc., 2025-1371, 8/14/26.

“Although Salah states that deep learning is “not preferred,” it explicitly states that deep learning “c[ould] also be used.” That is not the type of criticism, discreditation, or discouragement that constitutes a “teaching away.”” Dental Monitoring SAS v. Align Tech., Inc., 2025-1879, 7/21/26 (nonprecedential) (citations omitted).

C. Invalidity Based on § 112

“While the knowledge of one of ordinary skill may play an important role in enablement, it may not provide the only means to enable these specific claim limitations. That is what a specification of a patent must provide.” Wyeth LLC v. Astrazeneca Pharms. LP, 2024-2325, 7/9/26 (citation omitted).

“[T]he specification itself demonstrates that determining the claimed “unit dosage” is a complex and highly individualized task, while at the same time failing to provide the information and guidance necessary for a skilled artisan to perform that task without undue experimentation. And where, as here, the prior art is complex and unpredictable, the specification must provide correspondingly greater guidance.” Wyeth LLC v. Astrazeneca Pharms. LP, 2024-2325, 7/9/26.

“[T]he compounds, described as preferred embodiments, cannot be administered to a patient on a daily basis across the full scope of the dosage ranges disclosed.” “While the fact that inoperative embodiments are disclosed is not necessarily dispositive, this evidence weighs heavily in favor of non-enablement.” Wyeth LLC v. Astrazeneca Pharms. LP, 2024-2325, 7/9/26.

JMOL of invalidity affirmed. “Here, as discussed, without teaching how to distinguish operative from inoperative embodiments, the specification leaves that task to the skilled artisan. That is precisely the type of undue experimentation that the enablement requirement forbids.” Wyeth LLC v. Astrazeneca Pharms. LP, 2024-2325, 7/9/26.

“[W]e see no clear error in the district court’s finding that disclosing the chemical name and formula of cabozantinib (L)-malate salt, as well as that the structure of the salt is

crystalline, is an identification of the structural features possessed by members of the genus.” “[M]ultiple of the factors laid out in *Ariad* are met here (i.e., structure, formula, chemical name), and the district court’s findings are not clearly erroneous.” *Exelixis, Inc. v. MSN Labs. Private Ltd.*, 2025-1236, 8/31/26.

“Dr. Laneman referred to disclosures describing “index[es]” utilized by prior art to demonstrate a skilled artisan would be well aware of representing a large value, e.g., a preamble, as an index. This usage is in accord with our precedent.” *Evolved Wireless, LLC v. Samsung Electronics America, Inc.*, 2024-2234, 8/31/26 (citation omitted) (nonprecedential).

“It is possible under Otsuka’s construction that a party could find a combination of salt-to-salt or even salt-to-freebase that falls outside the scope of the weight-to-weight ratio limitation while remaining within the other claim limitations. That possibility, however, does not lead to indefiniteness.” *Otsuka Am. Pharm., Inc. v. Hetero Labs Ltd.*, 2025-2016, 7/1/26.

D. Section 101

“[C]laim 21 in its entirety is directed to solving a particular technological problem—overcoming capacity constraints to improve coding gains—using a particular technological solution—specific, non-uniform constellations with overlapping constellation point locations.” *Constellation Designs, LLC v. LG Elecs. Inc.*, 2024-1822, 8/31/26.

“The claim itself does not recite how to achieve a constellation “optimized” for PD capacity. Rather, this important and distinguishing element of the claim is described in a result-oriented way. “[W]e conclude that claim 17 is ineligible because it is an abstract, result-oriented claim directed to all ways of achieving a recited result.” “It is undisputed that this claim element is the distinguishing feature in claim 17.” *Constellation Designs, LLC v. LG Elecs. Inc.*, 2024-1822, 8/31/26.