

UNITED STATES
PATENT AND TRADEMARK OFFICE





U.S. Patent and Trademark Office Patent Trial and Appeal Board (PTAB)

Kalyan Deshpande, Chief Administrative Patent Judge
Michael Kim, Vice Chief Administrative Patent Judge

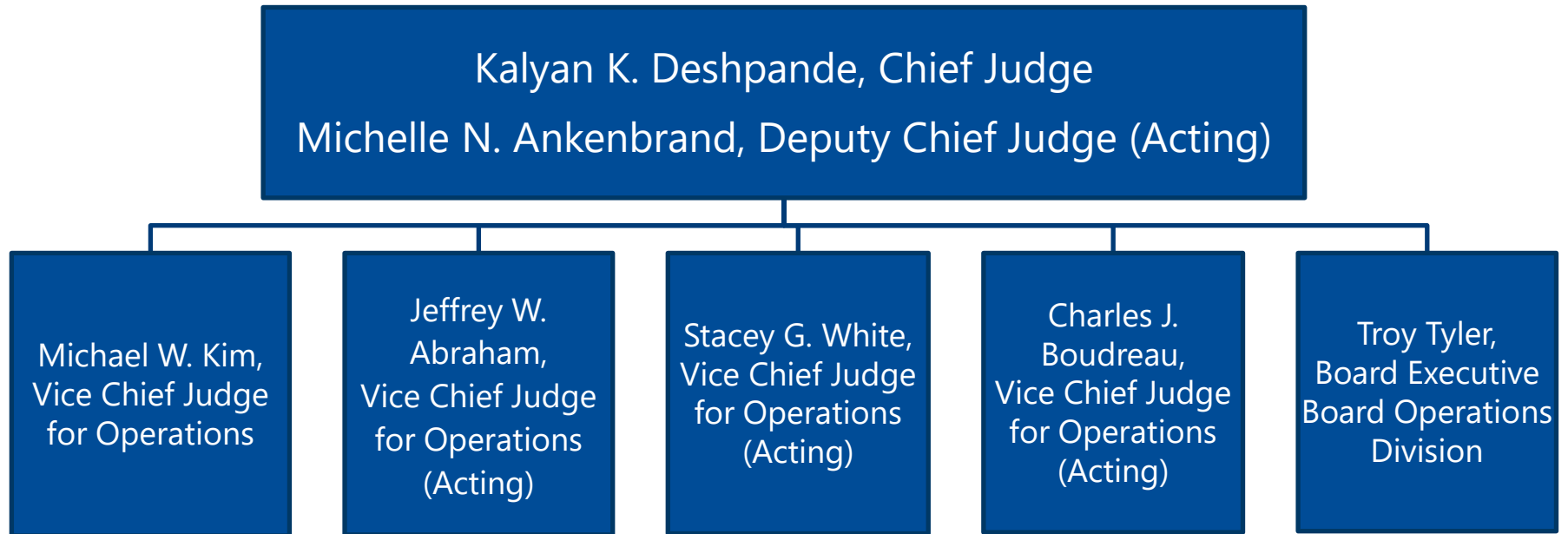
June 16, 2026



UNITED STATES
PATENT AND TRADEMARK OFFICE ®

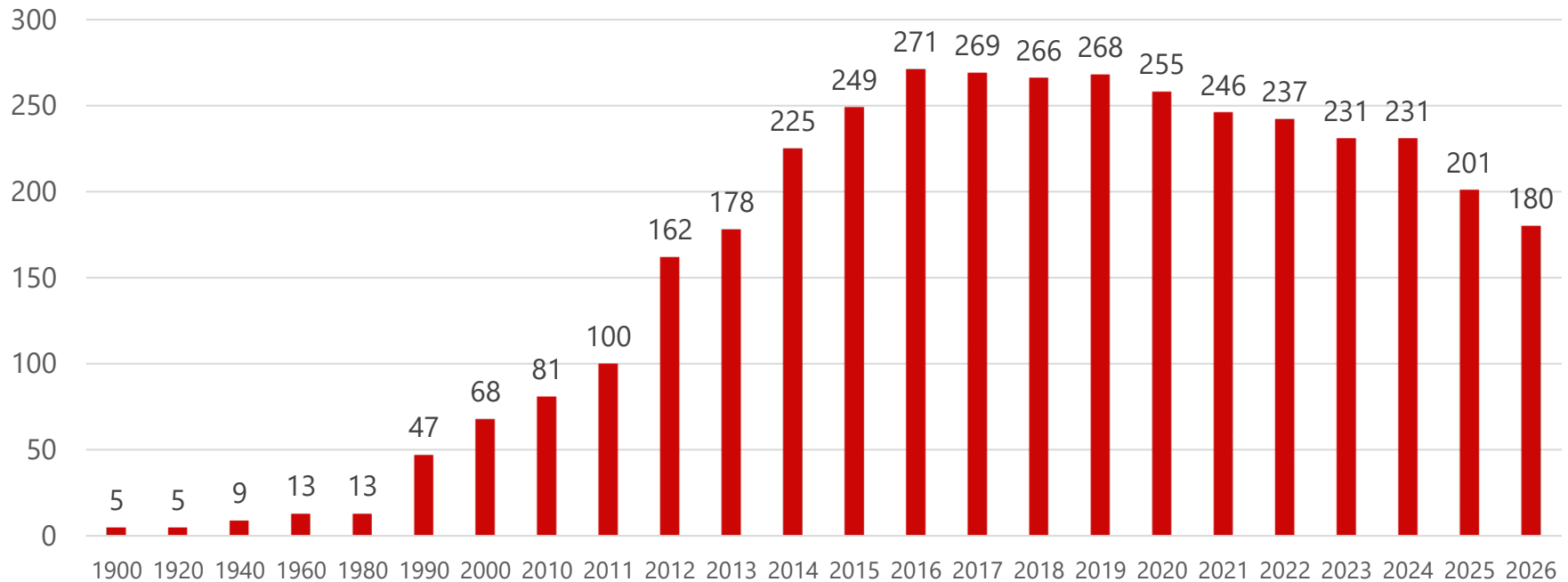
State of the Board

PTAB organizational structure



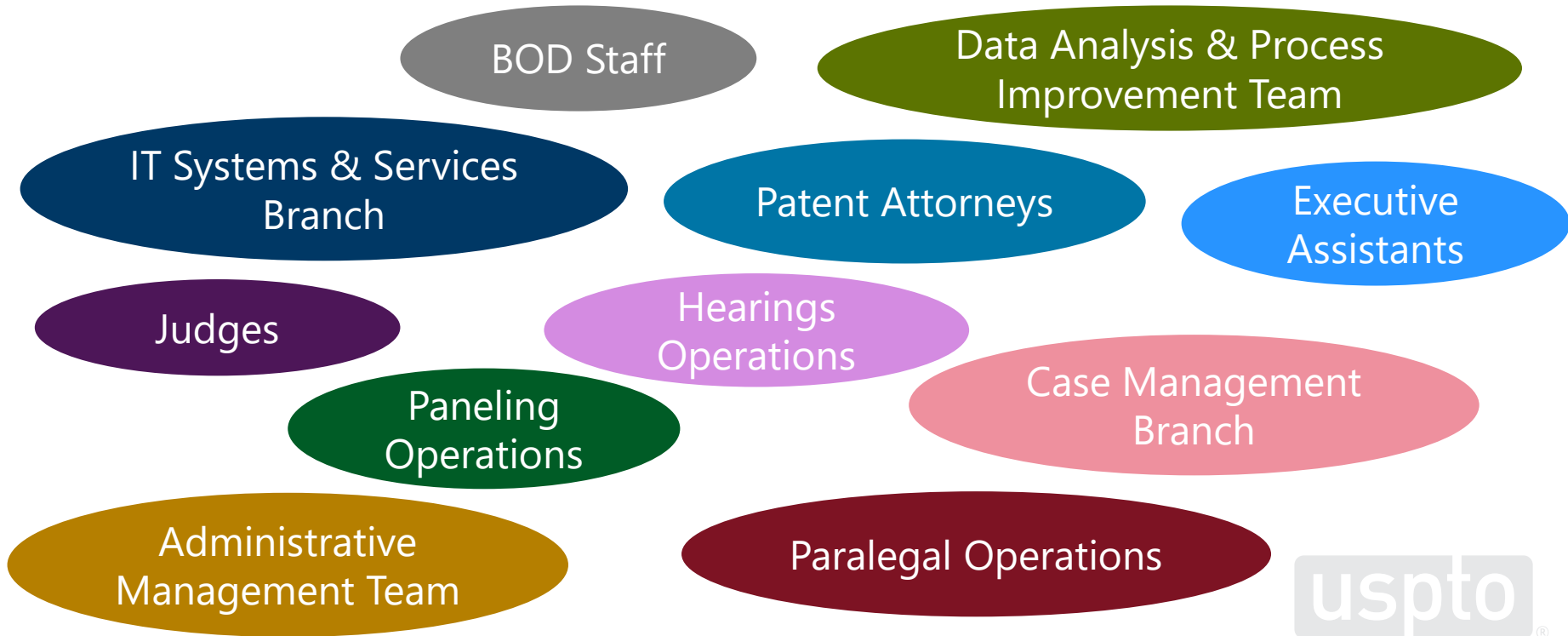
Judge size over time

(Calendar year)



Patent Trial and Appeal Board (PTAB)

THE NUMBERS: ~262 members



FY 2025 PTAB case load

- 5,389 filed cases
 - 3,952 *ex parte* appeals
 - 1,437 AIA petitions
- 6,803 issued decisions
 - 5,479 *ex parte* appeals
 - 937 AIA decisions on institution
 - 387 AIA Final Written Decisions



FY 2025 hearings

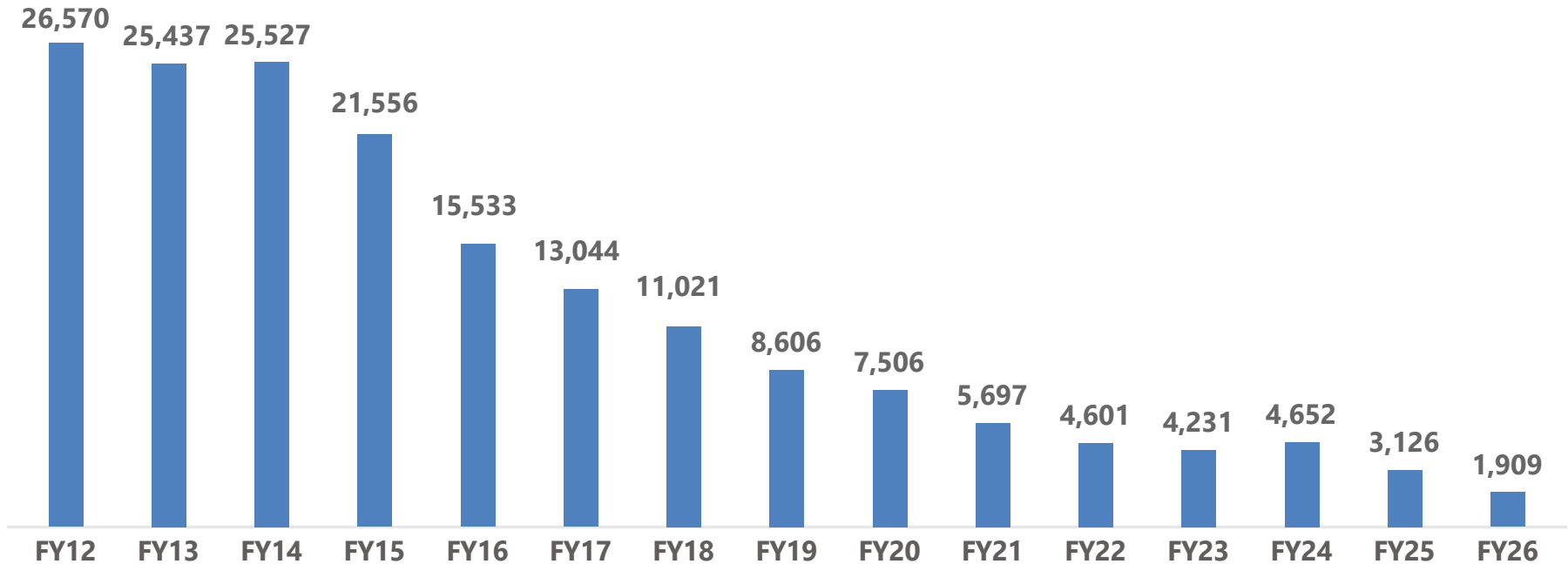
- 754 hearings
 - 149 requests for public audio feed
- 294 in person hearings
 - 108 *ex parte* appeals
 - 186 AIA review hearings
- 460 remote hearings
 - 224 *ex parte* appeals
 - 236 AIA review hearings



***Ex parte* appeal statistics**

Appeals inventory

FY 12 to FY 26: September 30, 2012 – April 30, 2026



Maximum pendency of undecided appeals in months

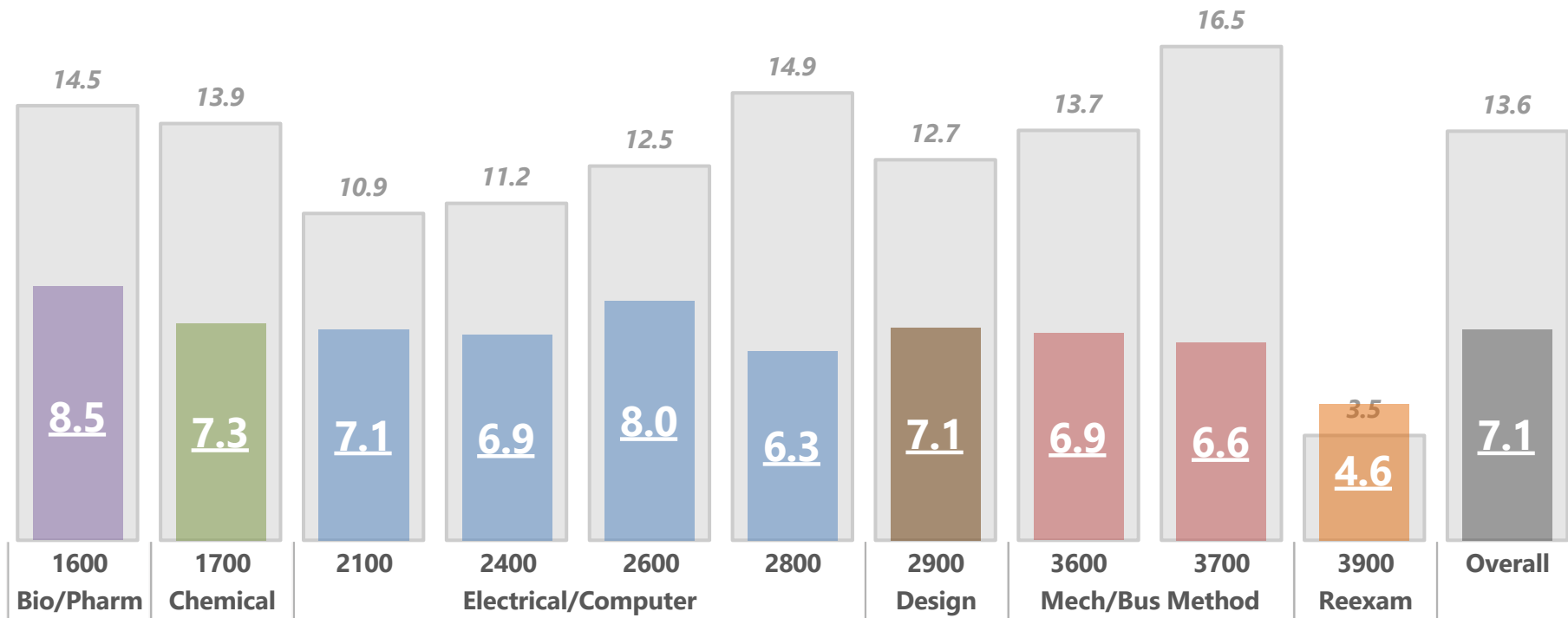
(May 1, 2025 to April 1, 2026)



Maximum pendency is calculated as months from Board receipt date to the first day of the month in the reported period. Certain cases that have good cause for omission are excluded, including appeals in which appellant has requested to reschedule a hearing.

Average pendency of decided appeals in months

February 2026 – April 2026 (color bars & white values) vs. February 2025 – April 2025 (gray bars & values)

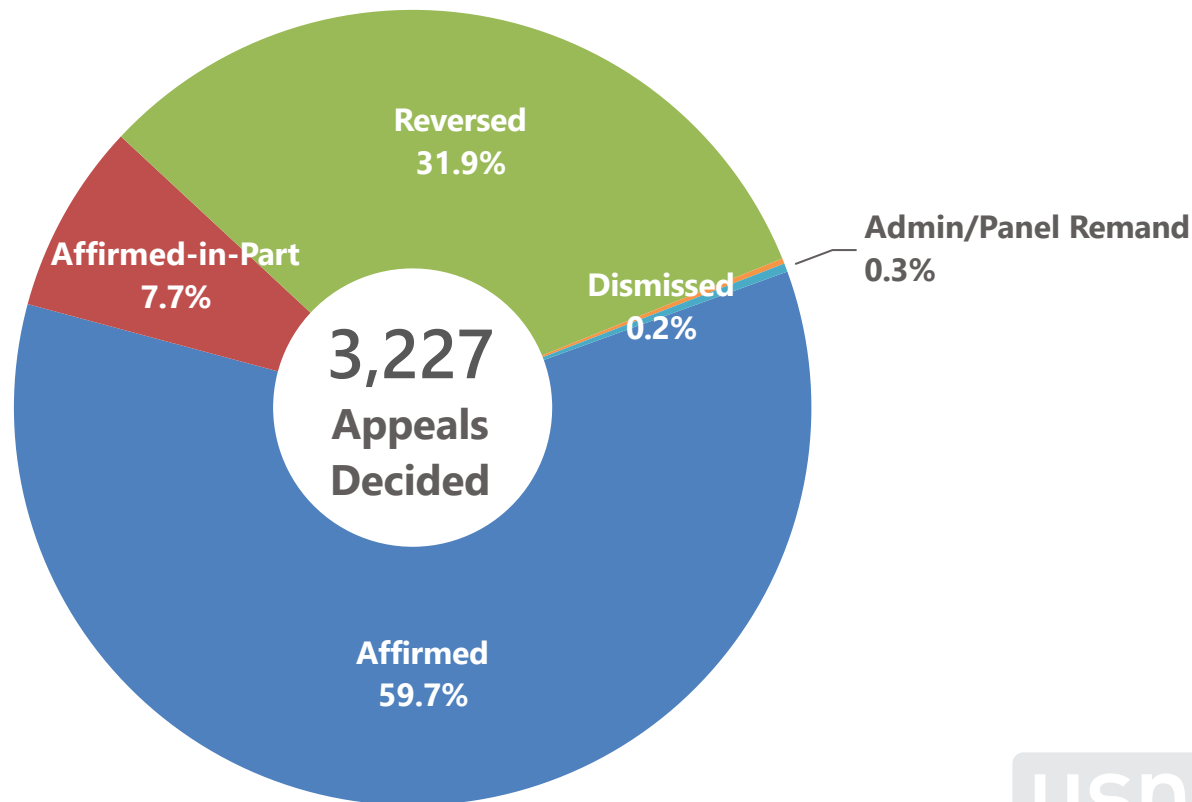


Pendency is calculated as average months from Board receipt date to final decision for a three month period and compared to the same period the previous year. Central Reexamination Unit (CRU/TC 3900) decisions include *ex parte* reexams, *inter partes* reexam, supplemental examination review, regular cases and most reissues from all technologies except design patent applications.



Appeals outcomes

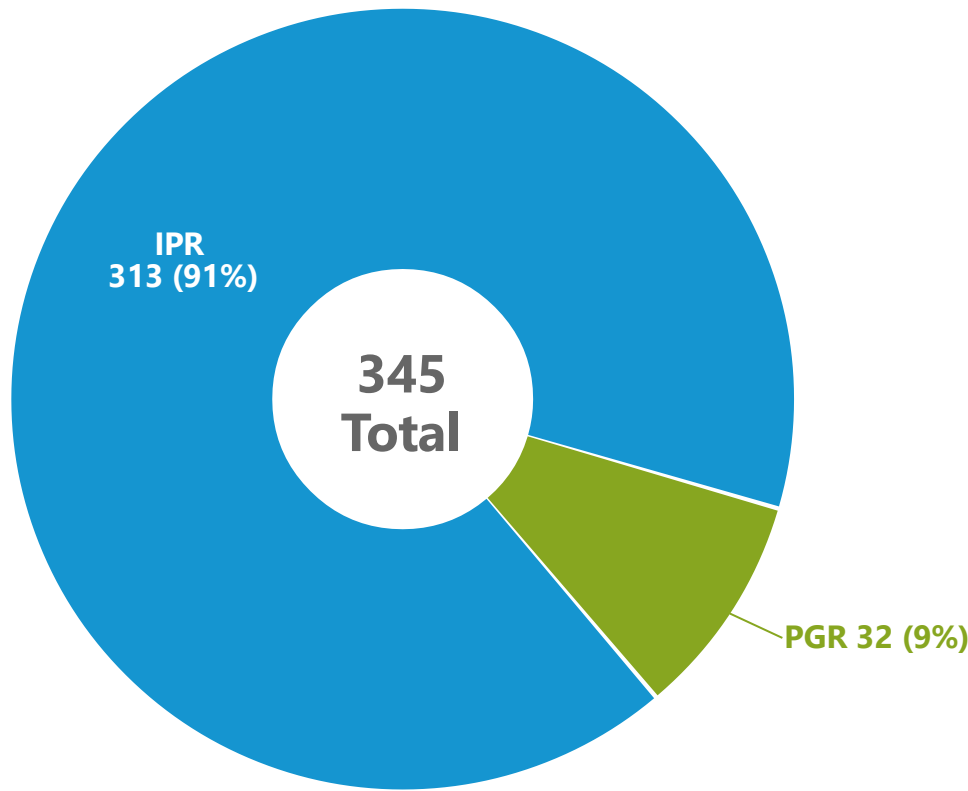
October 2025 – April 2026



PTAB trial statistics

Petitions filed by trial type

FY 26 through April: October 1, 2025 to April 30, 2026

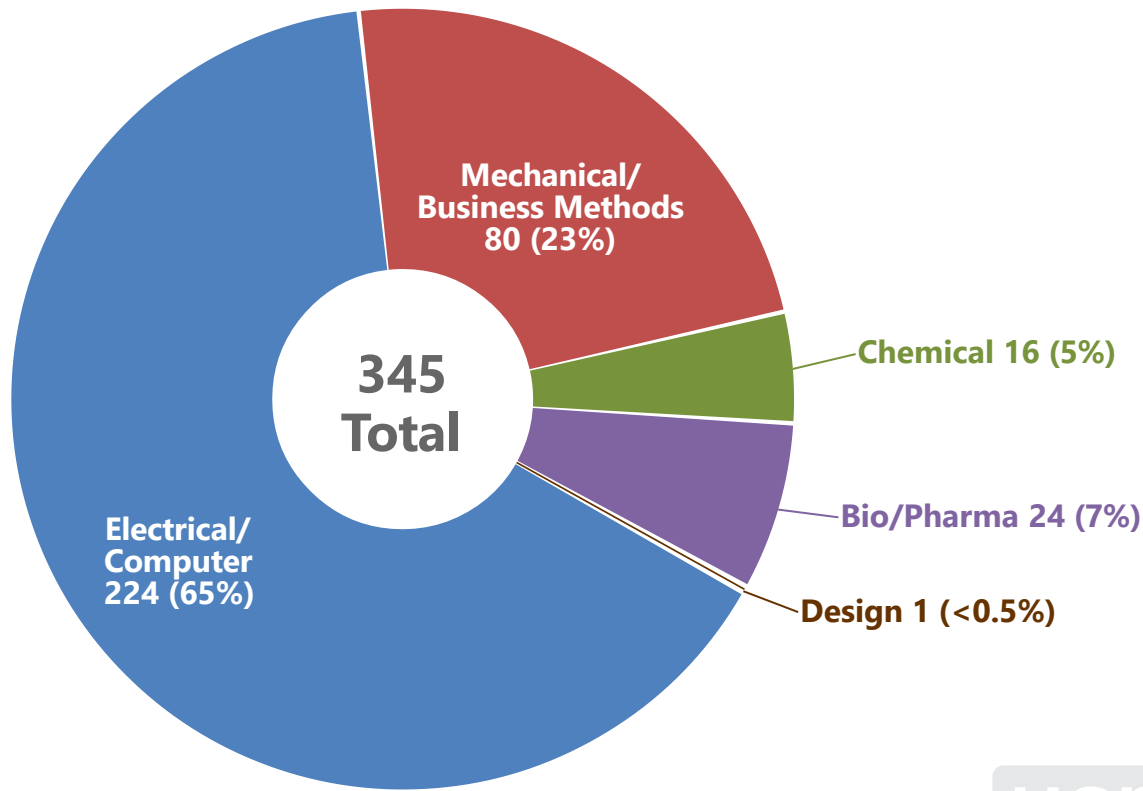


Trial types include Inter Partes Review (IPR) and Post Grant Review (PGR).



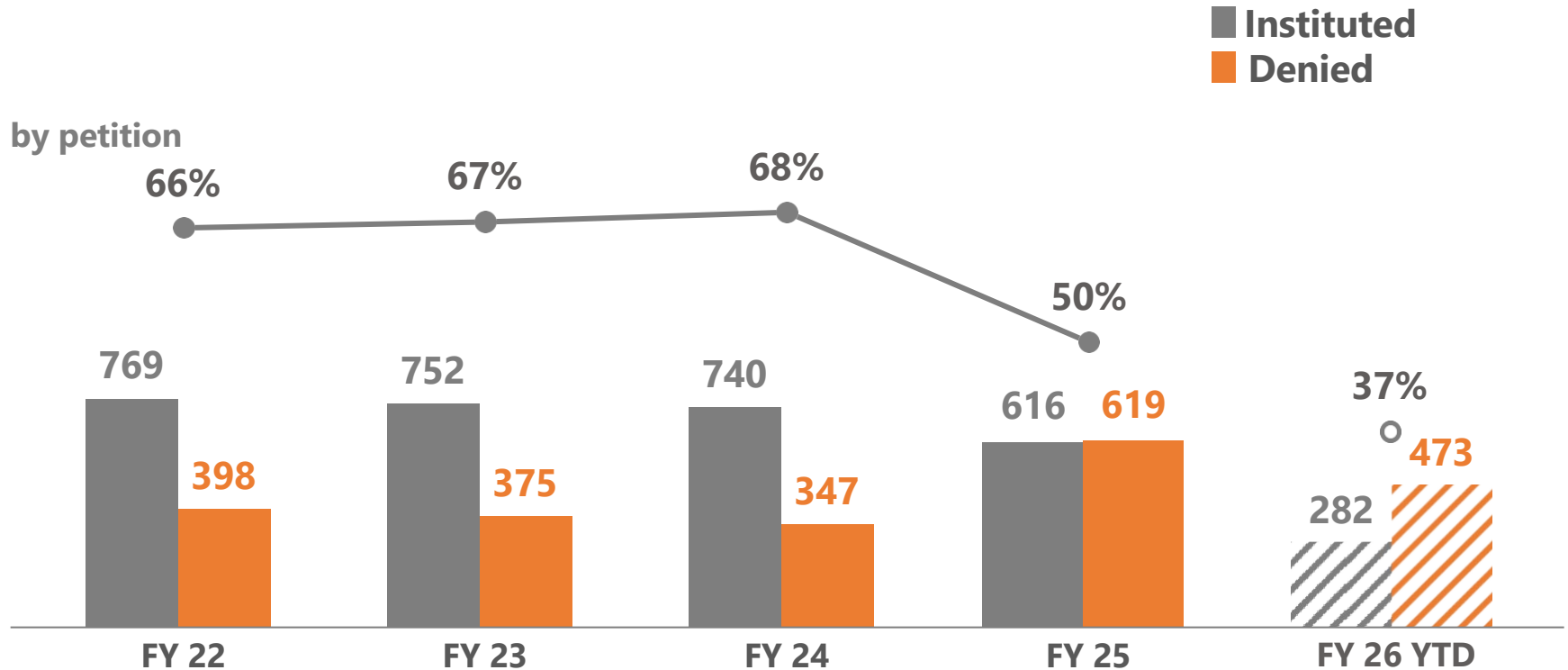
Petitions filed by technology

FY 26 through April: October 1, 2025 to April 30, 2026



Institution rates by petition

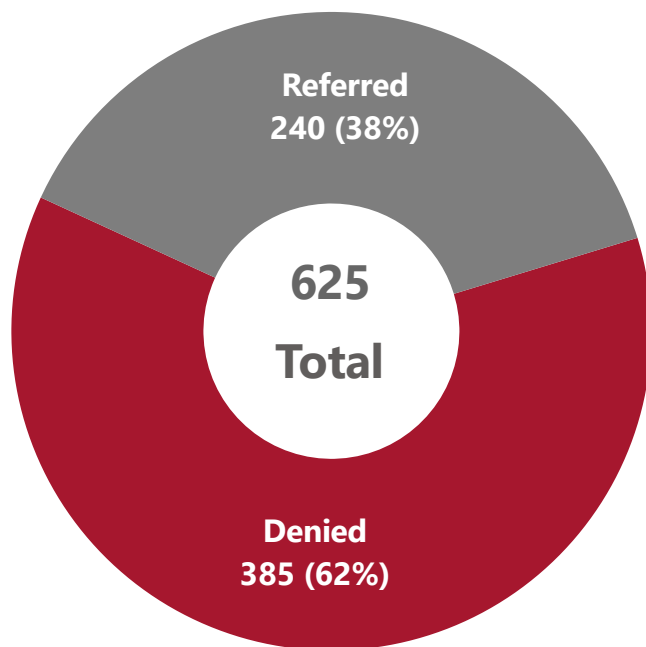
FY 22 to FY 26 through April: October 1, 2021 to April 30, 2026



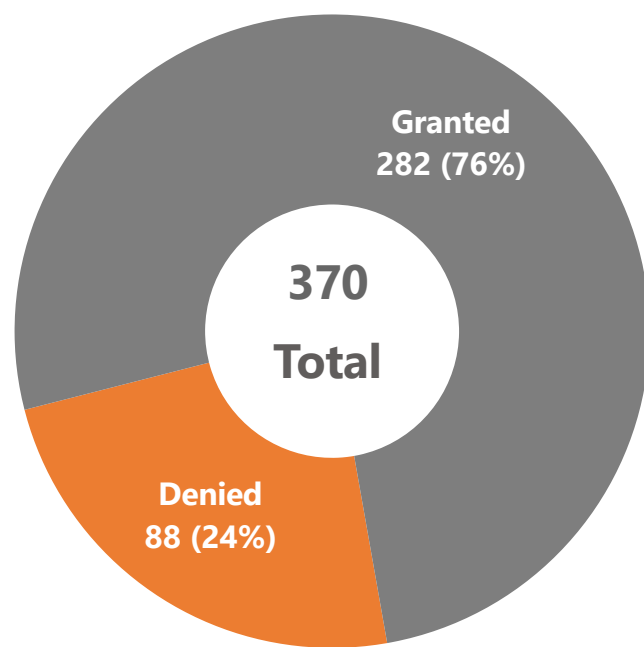
Disposition rates by institution decision type

FY 26 through April: October 1, 2025 to April 30, 2026

**Director's Discretionary
Considerations**



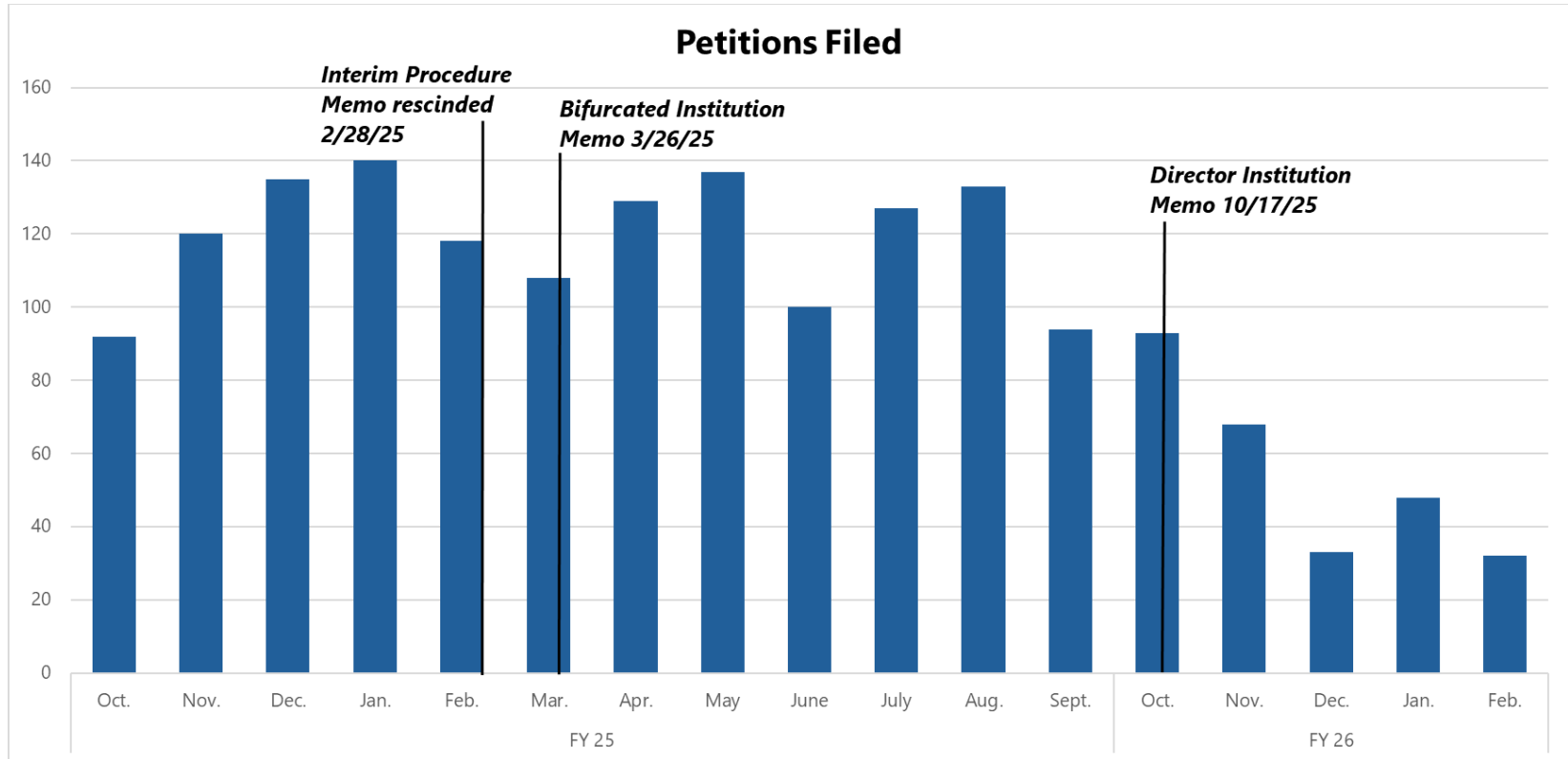
**Merits or Other
Considerations**



Occasionally outcomes of cases referred for merits review are revised to denied for discretionary considerations. "Referred" cases do not include cases summarily referred to a panel before the director began considering merits because the patent owner did not raise discretionary considerations. Outcomes of rehearing requests and director reviews are not considered.

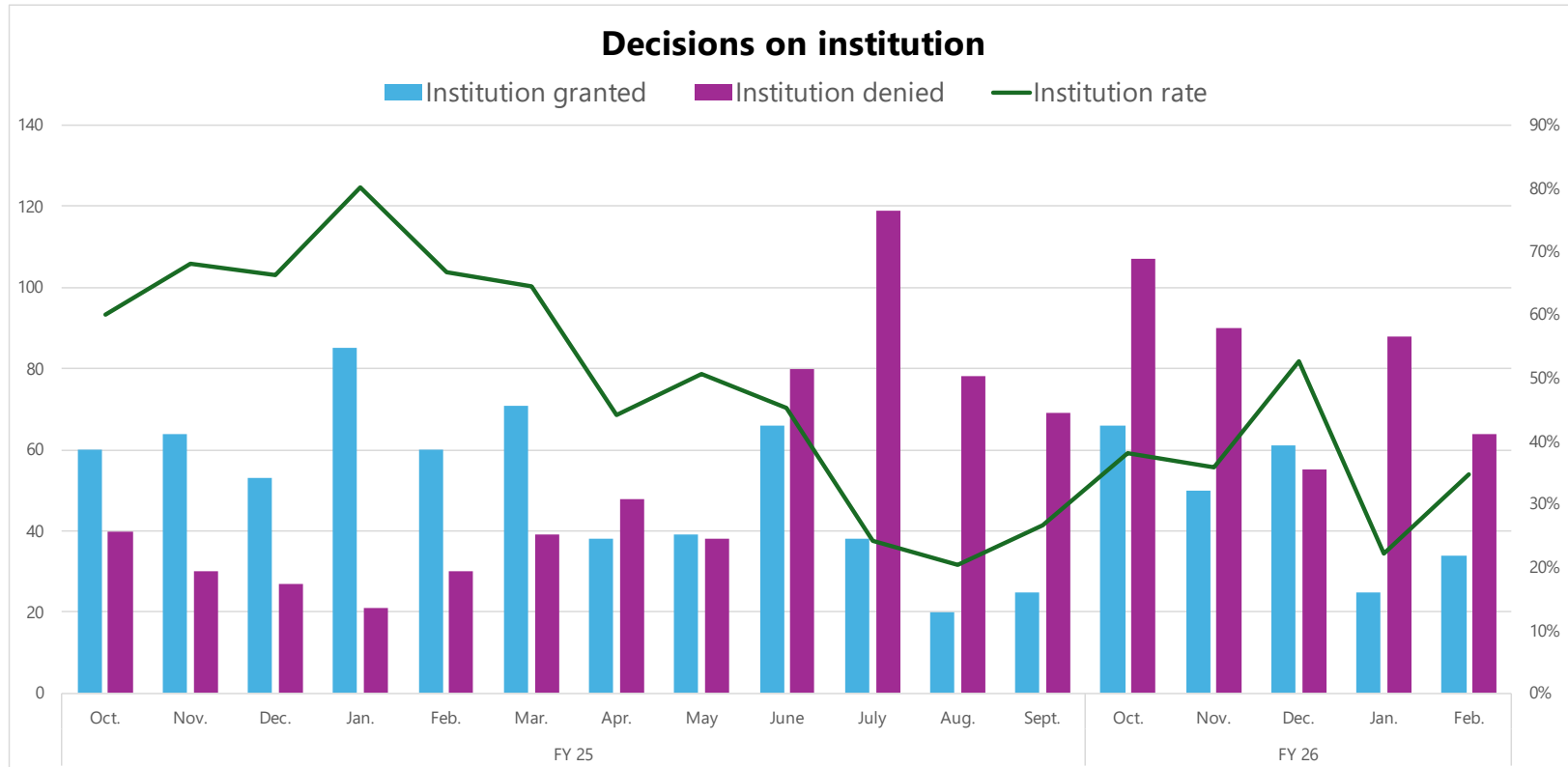
Petitions filed

(October 1, 2025 – February 28, 2026)



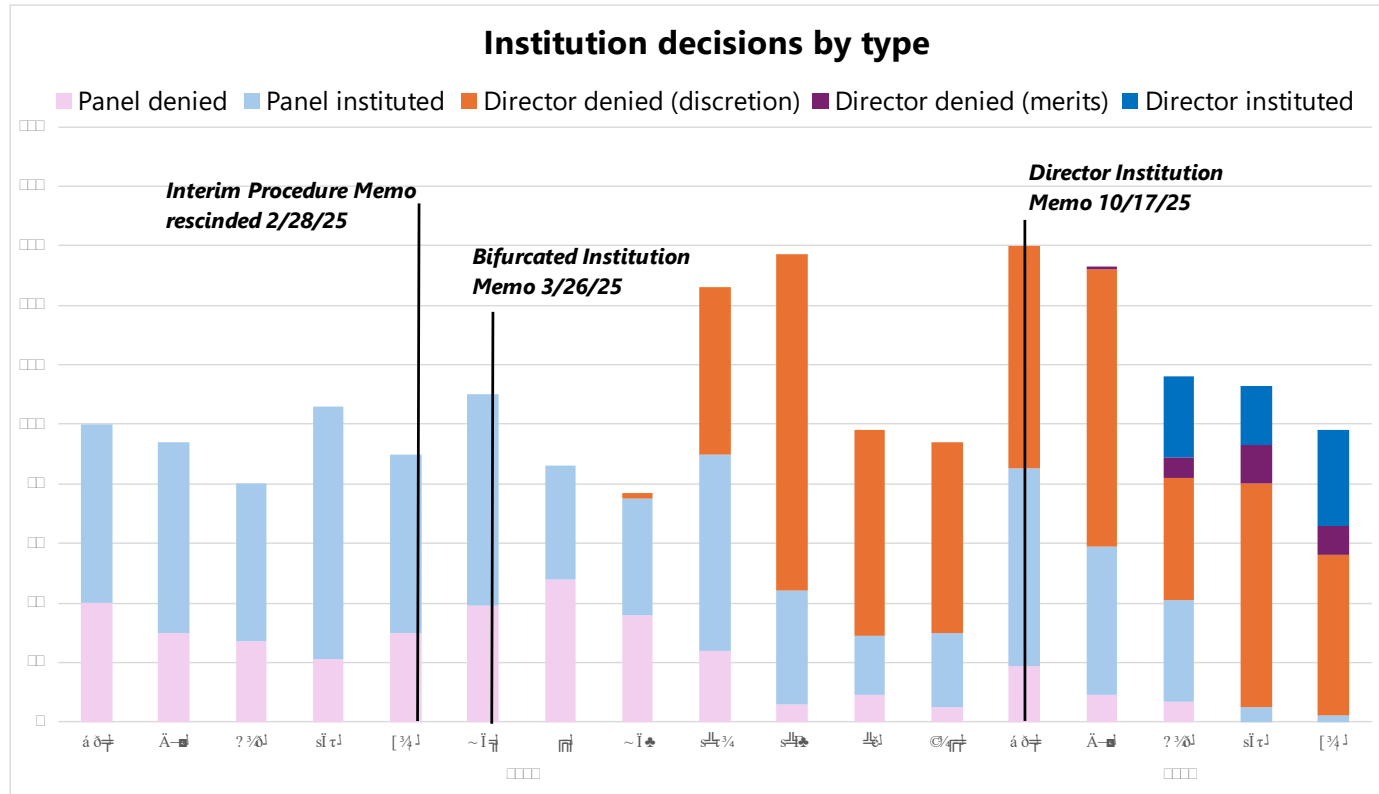
Decisions on institution

(October 1, 2025 – February 28, 2026)



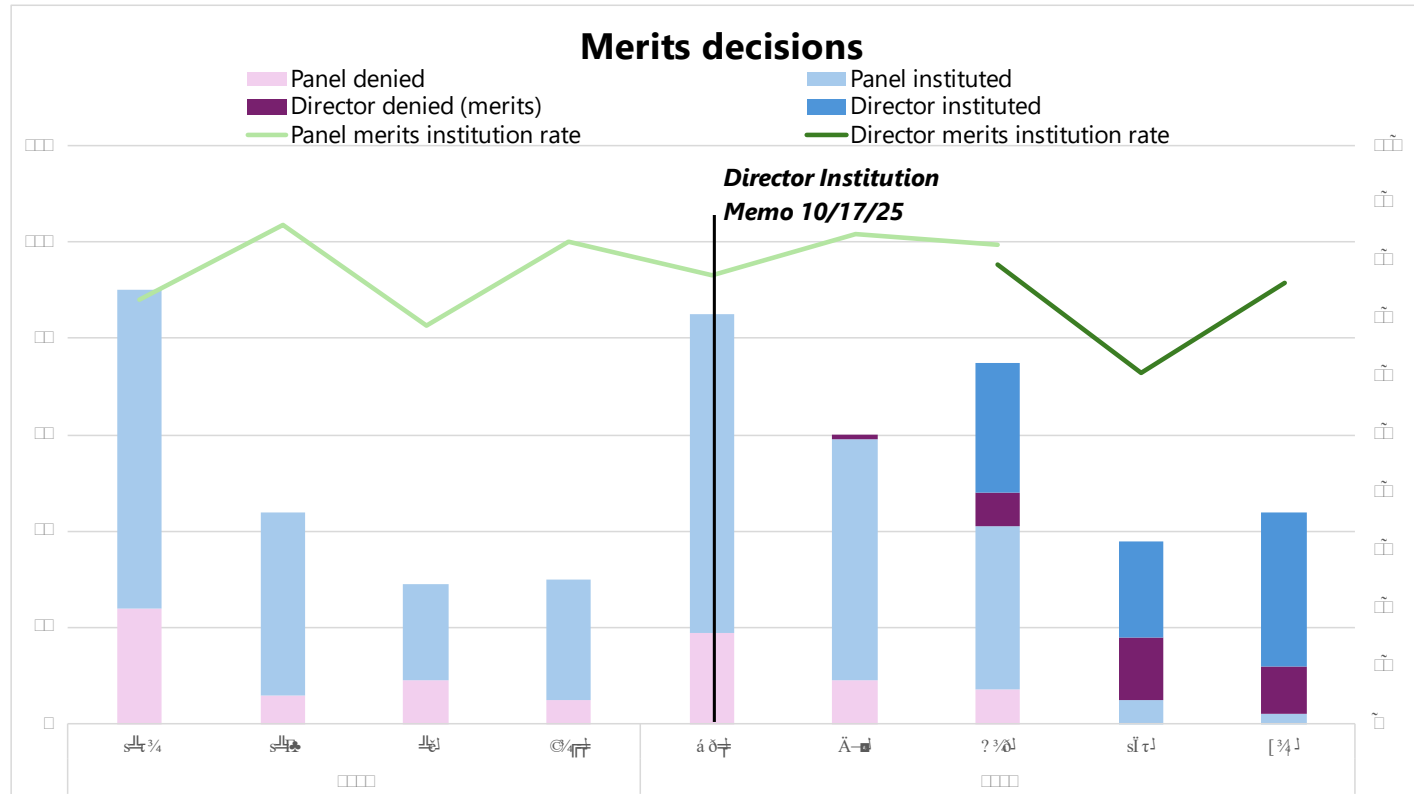
Institution decisions by type

(October 1, 2025 – February 28, 2026)



Decisions on institution: Merits determinations

(October 1, 2025 – February 28, 2026)



PTAB institution guidance

PTAB interim processes

- On March 26, 2025, Acting Director Stewart issued a memorandum on new PTAB interim processes.
 - www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf
- This process returns the function of determining discretionary considerations to the Director, as expressed by statute, and aims to improve PTAB efficiency, maintain capacity to conduct AIA proceedings, reduce pendency in ex parte appeals, and promote consistent application of discretionary considerations in the institution of AIA proceedings.
- The Office issued more than 600 discretionary considerations decisions under this process.

Director institution

- On October 17, 2025, Director Squires issued a memorandum concerning decisions on institution in AIA trial proceedings.
 - [www.uspto.gov/sites/default/files/documents/Director Institution of AIA Trial Proceedings.pdf](https://www.uspto.gov/sites/default/files/documents/Director_Institution_of_AIA_Trial_Proceedings.pdf)
- This process returns the function of determining whether to institute *inter partes* review (IPR) and post-grant review (PGR) to the Director, as expressed by statute, and aims to improve efficiency, consistency, adherence to the statutory requirements for institution of trial, and promote consistent application of considerations for institution of AIA trial proceedings.

Search Disclosure Declaration (SDD)

- On November 17, 2025, Director Squires issued a memorandum announcing an optional practice that allows petitioners in IPRs and PGRs to submit information describing how asserted prior art was identified.
 - www.uspto.gov/sites/default/files/documents/vsdd_as_a_favorable_factor_in_institution_decisions.pdf?utm_campaign=subscriptioncenter&utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=
- The goal of the SDD process is to identify enhanced ways of searching to improve examination quality.



Search Disclosure Declaration *(cont.)*

- Petitioner's voluntary submission may include:
 - the databases and repositories in which the asserted prior art was located,
 - the general search approach, search terms, filters, queries, or classification pathways employed,
 - other analytics or publicly accessible resources consulted,
 - the amount of time spent on the search, and
 - the amount of time spent reviewing search results.

Search Disclosure Declaration *(cont.)*

- The voluntary submission of an SDD will be considered as a non-exclusive, non dispositive favorable discretionary factor supporting institution, particularly where the SDD reveals new or underutilized pathways relevant to Office search practice.
 - *See Infineon Technologies Americas Corp. v. Mosaid Technologies Inc.*, IPR2025-01487, Paper 27 (Director Mar. 17, 2026)
- An SDD also may be helpful in demonstrating Office error during examination.

