



An official website of the United States government

[Here's how you know](#) ▾



UNITED STATES
PATENT AND TRADEMARK OFFICE ®

[Home](#) > [About Us](#) > [News & Updates](#)

> [USPTO rescinds memorandum addressing discretionary denial procedures](#)



Update: On March 24, 2025, the USPTO published an updated [Guidance memorandum on USPTO's rescission of "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation"](#), which can be found in the Guidance Memorandum section of the [PTAB resources page](#).

USPTO rescinds memorandum addressing discretionary denial procedures

February 28, 2025

Today, the USPTO rescinded the June 21, 2022, memorandum entitled "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation" (Memorandum).

Parties to post-grant proceedings should refer to Patent Trial and Appeal Board (PTAB) precedent for guidance, including [Apple Inc. v. Fintiv, Inc., IPR2020-00019, Paper 11 \(PTAB Mar. 20, 2020\) \(precedential\)](#) and [Sotera Wireless, Inc. v. Masimo Corp., IPR2020-01019, Paper 12 \(PTAB Dec. 1, 2020\) \(precedential as to § II.A\)](#).

To the extent any other PTAB or Director Review decisions rely on the Memorandum, the portions of those decisions relying on the Memorandum shall not be binding or persuasive on the PTAB.

Was this page helpful?  

NKT EXHIBIT 1031
NKT v. Omni Continuum
IPR2025-00839

 [Share this page](#)  [Print this page](#)

[Additional information](#) about this page

Receive updates from the USPTO

Enter your email to subscribe or update your preferences

[Subscribe](#)

[About the USPTO](#) • [Search for patents](#) • [Search for trademarks](#)

[US Department of Commerce](#)

[Accessibility](#)

[Privacy Policy](#)

[Terms of Use](#)

[Financial and Performance Data](#)

[Vulnerability Disclosure Policy](#)

[Freedom of Information Act](#)

[Inspector General](#)

[NoFEAR Act](#)

[USA.gov](#)

Follow us