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On October 3, 2025, the following sections were updated:

- V.A.
- VI.

Interim Director Discretionary Process

On March 26, 2025, the United States Patent and Trademark Office (USPTO or Office) issued a memorandum on interim processes for PTAB workload management (Process Memorandum). Under the Process Memorandum, decisions on whether to institute *inter partes* reviews (IPR) and post-grant reviews (PGR) are bifurcated between (i) discretionary considerations and (ii) merits and other non-discretionary considerations.

This webpage provides information on the discretionary considerations process and serves as a guide to parties on when and how to file discretionary briefing, and the process by which the Under Secretary of Commerce for Intellectual Property and Director of the USPTO (Director) will render decisions on discretion. All questions about the Director's Discretionary Process can be submitted to Director_Discretionary_Decision@uspto.gov.

This webpage supersedes the April 25, 2025 FAQs for Interim Processes for PTAB Workload Management, which are now archived.

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I. Interim director discretionary process

A. Overview

B. Discretionary considerations

C. Briefing

D. Stipulations

If a petitioner chooses to file a stipulation, such as a *Sotera* stipulation, they should file it as soon as practicable, so that the patent owner may address the impact of the stipulation in its discretionary denial brief. The Director will take into account whether the stipulation materially reduces overlap between the proceedings. Where the petitioner is relying on corresponding system art in a co-pending proceeding and/or several other invalidity theories, a stipulation may not be particularly meaningful because the efficiency gained in an AIA proceeding will be limited.

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- E. Decisions
- F. Merits, non-discretionary considerations, and motions
- G. How to file
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