

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE  
PATENT TRIAL AND APPEAL BOARD

---

GENERAL ORDER IN CASES REMANDED UNDER  
*ARTHREX, INC. V. SMITH & NEPHEW, INC.*,  
941 F.3D 1320 (FED. CIR. 2019)

---

GENERAL ORDER

---

Before SCOTT R. BOALICK, *Chief Administrative Patent Judge*.

BOALICK, *Chief Administrative Patent Judge*.

The United States Patent and Trademark Office (“Office”) has received from the United States Court of Appeals for the Federal Circuit (“Federal Circuit”) numerous Orders that rely on the Federal Circuit’s decision in *Arthrex, Inc. v. Smith & Nephew, Inc.*, 941 F.3d 1320 (Fed. Cir. 2019). Those Orders have already vacated more than 100 decisions by the Patent Trial and Appeal Board (“Board”), and more such Orders are expected. The Orders instruct the Board to conduct further proceedings on remand before newly-designated Board panels.

Several parties in Board matters that have been subject to such Orders have informed the Office that they intend to seek review of the pertinent Order by the Supreme Court of the United States (“Supreme Court”). Meanwhile, in accordance with the Board’s Standard Operating Procedure 9 (“SOP 9”), parties are contacting the Board to schedule teleconferences with the appropriate Board panel in their proceeding. To avoid burdening the

## General Order Regarding *Arthrex*-Related Remands

Office and the parties until all appellate rights have been exhausted, I exercise my discretion to: (1) suspend the requirements in SOP 9 in cases remanded by the Federal Circuit under *Arthrex*; and (2) hold all such cases in administrative abeyance until the Supreme Court acts on a petition for certiorari or the time for filing such petitions expires.

### ORDER

It is therefore ORDERED that the following matters are held in abeyance:

1. App. Ser. No. 95/001,679
2. App. Ser. No. 95/001,754
3. App. Ser. No. 95/001,792
4. App. Ser. No. 95/001,851
5. CBM2017-00064
6. CBM2017-00065
7. CBM2017-00066
8. CBM2017-00067
9. CBM2018-00034
10. IPR2014-01235
11. IPR2015-00249
12. IPR2015-01046
13. IPR2015-01047
14. IPR2016-00693
15. IPR2016-00957
16. IPR2016-01542
17. IPR2016-01621
18. IPR2016-01622

## General Order Regarding *Arthrex*-Related Remands

19. IPR2016-01756
20. IPR2017-01218
21. IPR2017-00058
22. IPR2017-00116
23. IPR2017-00198
24. IPR2017-00275
25. IPR2017-00350
26. IPR2017-00351
27. IPR2017-00352
28. IPR2017-00353
29. IPR2017-00524
30. IPR2017-00901
31. IPR2017-00950
32. IPR2017-00951
33. IPR2017-00952
34. IPR2017-01048
35. IPR2017-01049
36. IPR2017-01050
37. IPR2017-01256
38. IPR2017-01391
39. IPR2017-01392
40. IPR2017-01393
41. IPR2017-01405
42. IPR2017-01406
43. IPR2017-01409
44. IPR2017-01410

## General Order Regarding *Arthrex*-Related Remands

45. IPR2017-01500
46. IPR2017-01707
47. IPR2017-01714
48. IPR2017-01735
49. IPR2017-01736
50. IPR2017-01737
51. IPR2017-01797
52. IPR2017-01798
53. IPR2017-01799
54. IPR2017-01800
55. IPR2017-01801
56. IPR2017-01802
57. IPR2017-01919
58. IPR2017-02131
59. IPR2017-02132
60. IPR2017-02136
61. IPR2017-02138
62. IPR2017-02158
63. IPR2018-00522
64. IPR2018-00864
65. IPR2018-00044
66. IPR2018-00187
67. IPR2018-00200
68. IPR2018-00205
69. IPR2018-00206
70. IPR2018-00207

## General Order Regarding *Arthrex*-Related Remands

71. IPR2018-00208
72. IPR2018-00272
73. IPR2018-00312
74. IPR2018-00329
75. IPR2018-00333
76. IPR2018-00336
77. IPR2018-00338
78. IPR2018-00339
79. IPR2018-00342
80. IPR2018-00343
81. IPR2018-00369
82. IPR2018-00374
83. IPR2018-00375
84. IPR2018-00404
85. IPR2018-00458
86. IPR2018-00486
87. IPR2018-00529
88. IPR2018-00571
89. IPR2018-00599
90. IPR2018-00680
91. IPR2018-00870
92. IPR2018-00871
93. IPR2018-00872
94. IPR2018-00873
95. IPR2018-00874
96. IPR2018-00875

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.