

Q4 in Review

Q4 in Review: USPTO Pushes Further IPR Limits as FRAND Jurisdictional Battle Intensifies

Patent litigation was up by nearly 16% in 2025. NPE filings went up by almost 19% compared to 2024, with litigation from operating companies coming in 11% higher.

As filings continue to swing upward, many defendants now have fewer opportunities to challenge validity following changes at the Patent Trial and Appeal Board (PTAB) that have steadily decreased the availability of America Invents Act (AIA) reviews. Interim processes adopted earlier in 2025 have greatly expanded the use of discretionary denials, prompting repeated appellate challenges. That shift plus a newer, even more restrictive institution process handled entirely by USPTO Director John Squires have caused institution rates to drop and pushed the filing of PTAB challenges down, close to historic lows, in Q4. A rulemaking proposal to further limit access to AIA reviews could accelerate these trends.

Meanwhile, the patent enforcement space in Europe has seen significant upheaval this past year, including through a ruling that has given EU national courts and the Unified Patent Court (UPC) the ability to decide infringement claims arising far beyond their borders—a power that the UPC has wielded broadly. An ongoing fight over jurisdiction in disputes over standard essential patents (SEPs) also escalated over the course of 2025, reaching a boiling point over UK decisions declaring that SEP owners must offer interim fair, reasonable, and nondiscriminatory (FRAND) licenses—which has triggered an increasingly contentious back-and-forth with the UPC and a top German court. Moreover, as the withdrawal of a controversial SEP regulation in Europe has led to further conflict, the US took steps to weigh new SEP-related changes.

Q4 also saw further activity over US legislative proposals, including several hearings on bills to reform Section 101 or regulate third-party litigation funding (TPLF). Notably, a TPLF-related bill advanced from a congressional committee for the first time, though the vote reflected a sharp partisan split over disclosure requirements—and an unexpected alliance between Democrats and conservative policy groups. RPX has also flagged instances of high-volume patent plaintiffs appearing to ignore disclosure obligations.

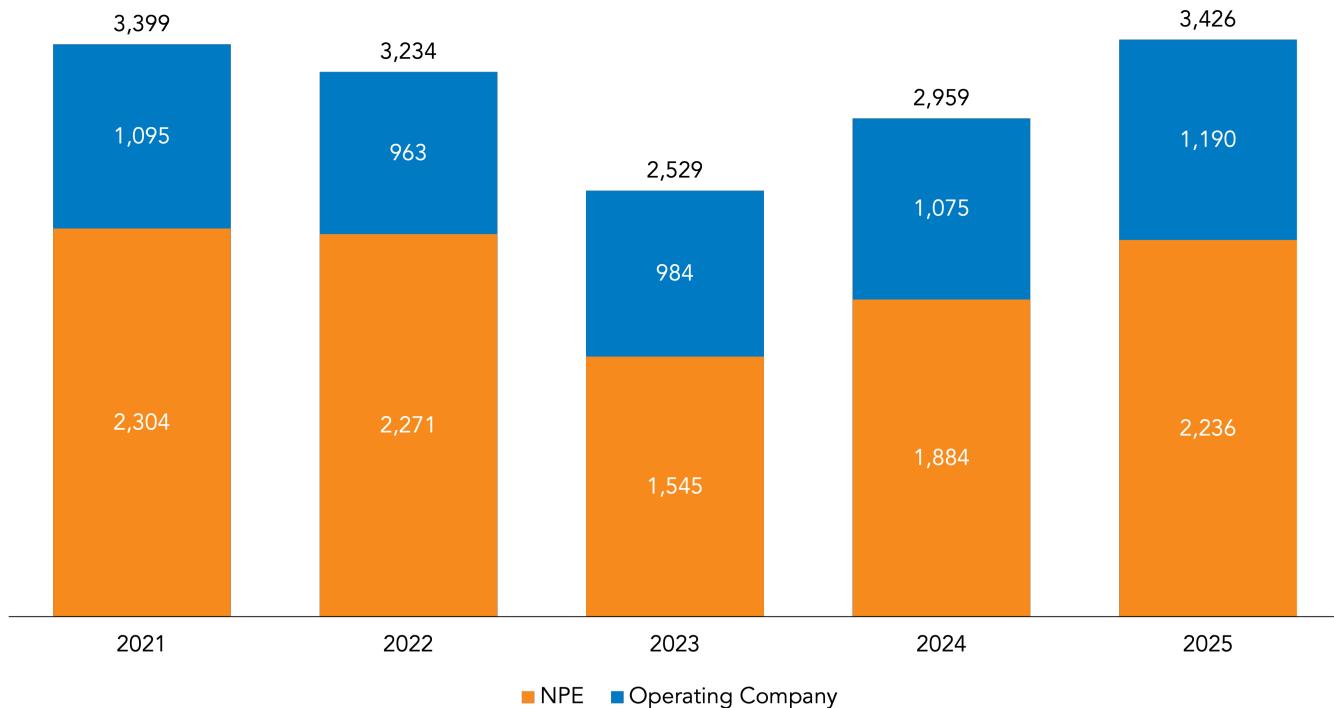
Finally, late in Q4, the USPTO resumed its release of patent assignments to the public, revealing assignments to entities notable in light of their litigation history (or that of their corporate parents) and/or the involvement of TPLF.

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Litigation Update: NPE and OpCo Filings Increase for Second Year in a Row

NPEs added 2,236 defendants to patent litigation campaigns in 2025, an increase of 18.7% compared to 2024 (when such plaintiffs added 1,884 defendants)—which, in turn, saw 22% more NPE litigation than 2023. Operating companies added 1,190 defendants last year, up 10.7% from 2024; that year was also up compared to 2023 for such plaintiffs, albeit by a more modest 9%. Overall, 3,426 defendants were added to litigation campaigns in 2025, or 15.8% more than the year before (at 2,959 defendants added).

NPE and Operating Company Litigation by Year (Defendants Added)

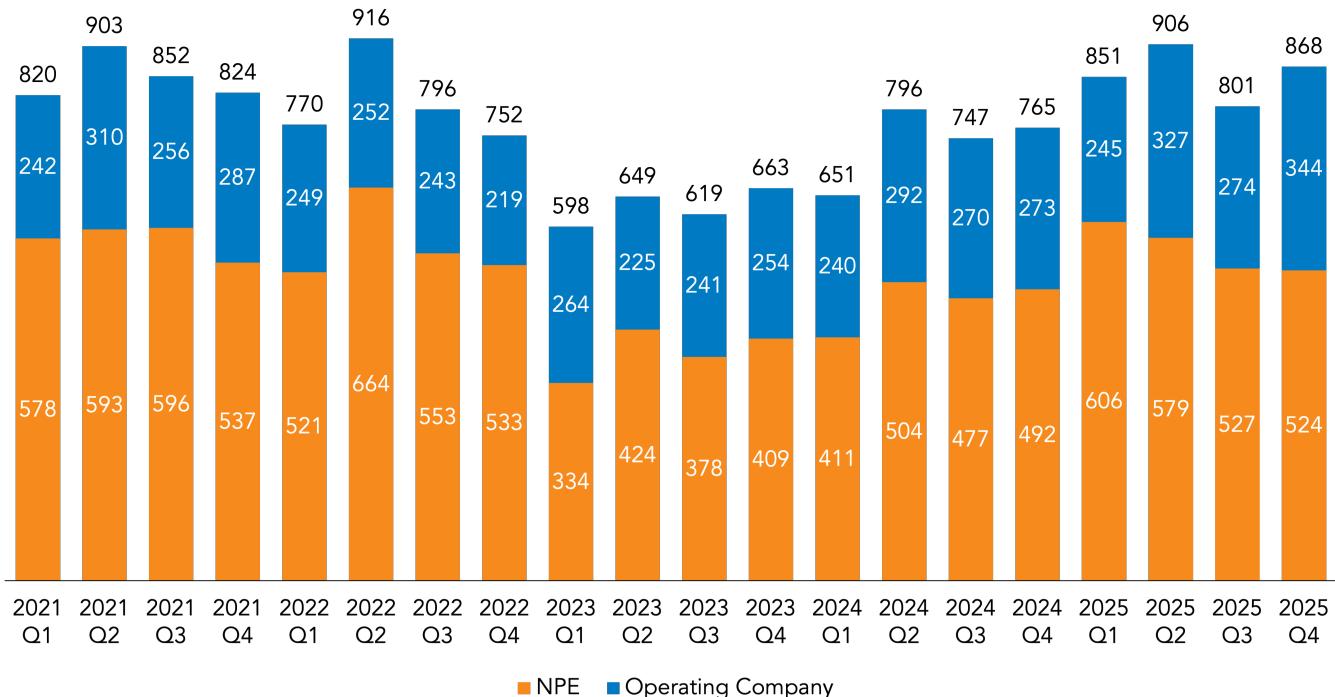


In the fourth quarter, NPEs added 524 defendants, or 7% more than Q4 2024—exceeding the trailing three-quarter Q4 average for 2022-2024 by 10%, but staying essentially flat compared to Q3 2025. Meanwhile, operating companies added 344 defendants in Q4, a 26% increase compared to the fourth quarter last year. Operating company filings last quarter were also 26% higher than in Q3 2025 and were 10% greater than the trailing Q4 average.

Defendants Added	Change Compared to:			
	Q4 2025	Q4 2024	Q4 2022-2024 Average	Q3 2025
NPE	524	7%	10%	-1%
Operating Company	344	26%	10%	26%
Total	868	13%	10%	8%

Overall, patent plaintiffs added 868 defendants in the fourth quarter of 2025, or 13% more than in Q4 2024 and 8% more than Q3 2025, also beating the trailing average by 10%.

NPE and Operating Company Litigation by Quarter (Defendants Added)



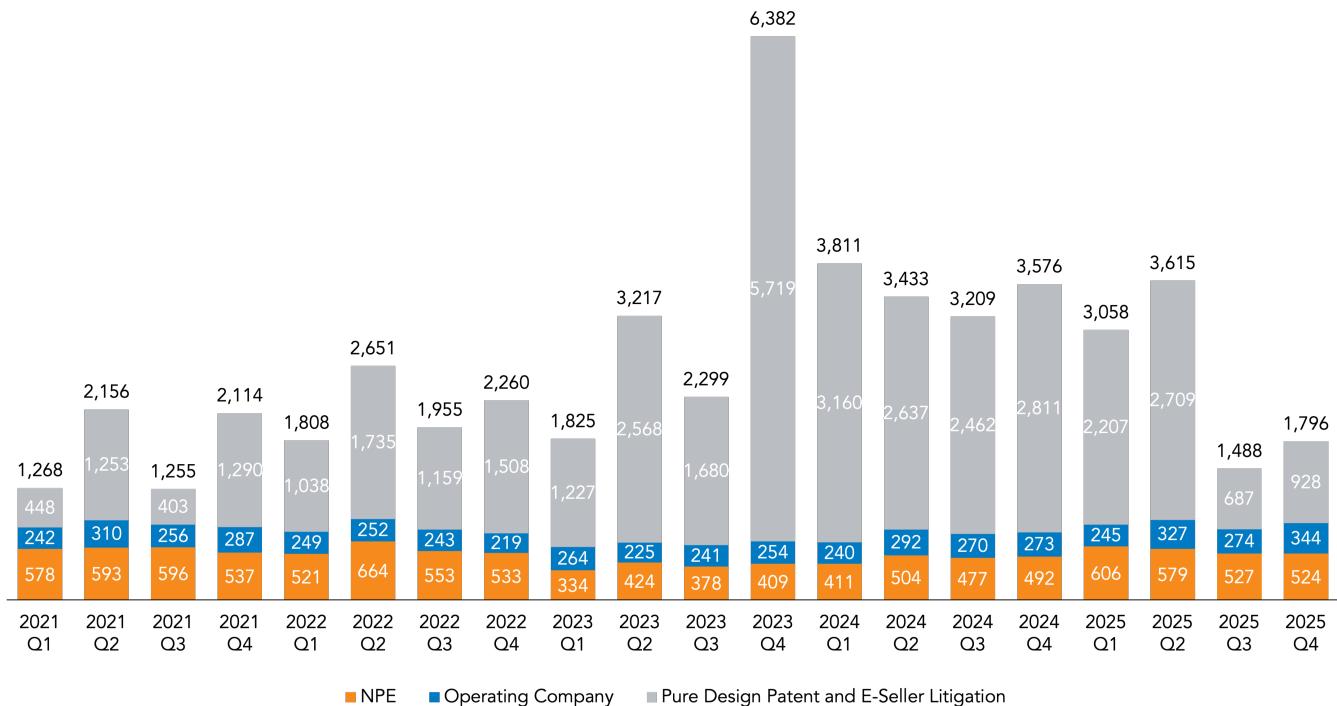
Additionally, the operating company data above leave out another distinct category of litigation filed by a small group of design and utility patent owners targeting copycats and counterfeiters selling products online. RPX excludes such “e-seller” cases from analyses of district court litigation because they tend to follow a different dynamic compared to what one might consider the usual patent suit. These e-seller cases sometimes name hundreds of defendant entities, many of which may be merely online storefronts or aliases for the same ultimate parent. Also, plaintiffs primarily seek injunctive relief instead of damages, and their cases often end with the e-seller defendant’s failure to answer, followed by a default judgment.

This category of litigation is shown in grey below to illustrate its magnitude. As shown by the rightmost bar, e-seller litigation in Q4 2025 accounted for 928 defendants added, or 52% of all litigation during the quarter. As was also the case in Q3, this represents a much lower volume of e-seller litigation than in recent quarters past. While the lower counts for Q3 and Q4 are still subject to the caveat about defendants potentially having multiple online storefronts, as noted above, the decrease could also be related to efforts by some judges to apply stricter procedural rules to e-seller cases, as detailed in RPX’s [Q3 in Review](#): In the Northern District of Illinois, by far the top venue for such litigation, District Judge John F. Kness issued an August 2025 order that criticized the “deluge” of such litigation, finding that these cases stretch the bounds of procedural rules “past their breaking point”. Because these cases routinely award preliminary injunctive relief without adversarial proceedings, involve widespread sealing, and rely upon improper mass joinder of defendants, Judge Kness held that the plaintiffs here should instead obtain the relief sought “by other means”.

The District of New Jersey appears to be following suit: On September 25, Chief Judge Renée Marie Bumb issued an order requiring e-seller plaintiffs to specifically and plausibly allege personal jurisdiction, including the contacts of each named defendant with the forum—stating that “[t]he law is well-settled that simply being an online seller on Amazon isn’t enough”. The order also limits each e-seller complaint to a “single defendant or group of defendants acting under the same operator”.

Apart from the graph on the following page, the other analyses in this report exclude pure design patent and e-seller litigation.

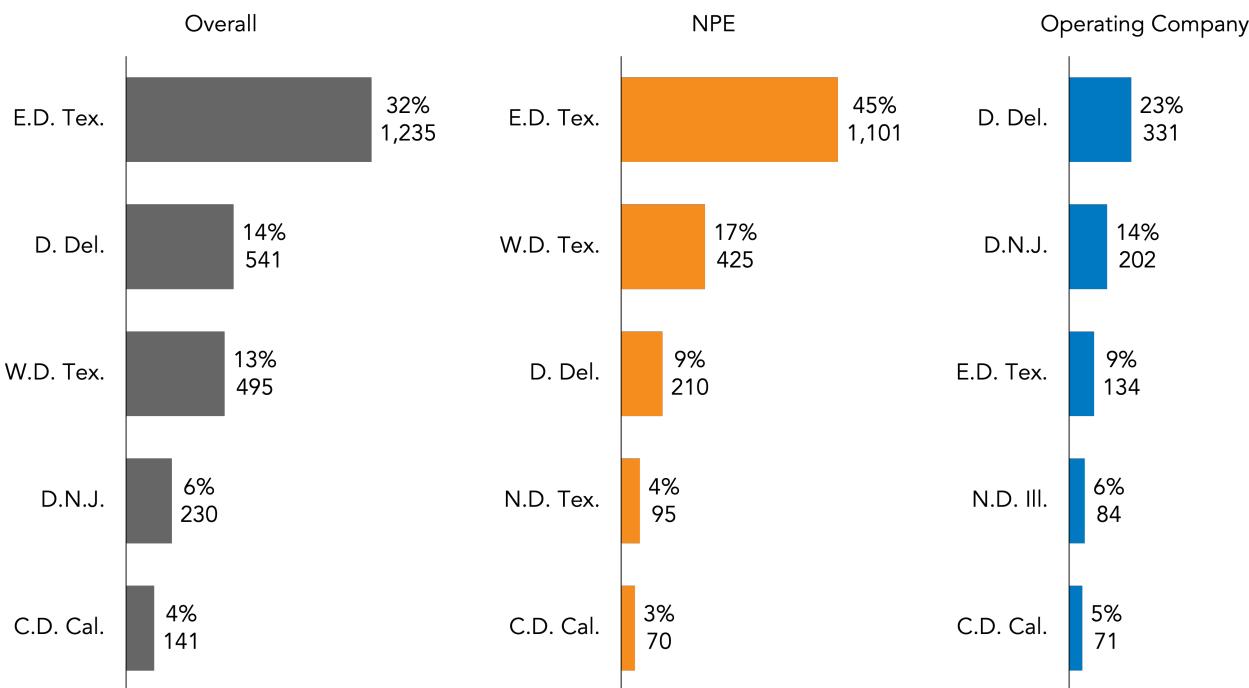
All Patent Litigation Including Design Patent and E-Seller Litigation (Defendants Added)



Venue Update: East Texas, Still in First Place, Sees Bulk of 2025's High-Dollar Verdicts

The Eastern District of Texas was the top patent district for overall litigation (i.e., with no filter for plaintiff type) and NPE litigation in 2025, also holding the number three spot for operating company litigation. The year's second most popular district for overall litigation was the District of Delaware, which was also in third place for NPE litigation but was the top district for operating company litigation. Meanwhile, the Western District of Texas followed Delaware in third place for overall litigation and was in second for NPE litigation, again falling short of the top five for operating company filings.

Top Patent Litigation Districts in 2025 (Defendants Added and Percentage of Total)



The top three rankings were nearly identical in each category for the fourth quarter, except with the Northern District of Illinois taking second place for operating company litigation instead of the District of New Jersey.

Given the volume of Eastern District of Texas patent litigation, it is perhaps not surprising that six of the ten largest patent damage awards of 2025 were returned by East Texas juries. Those six trials produced damage awards ranging from \$78.5M to \$445.5M, covering technologies including cellular networking and mobile devices, display panels, smart home appliances, and targeted advertising.

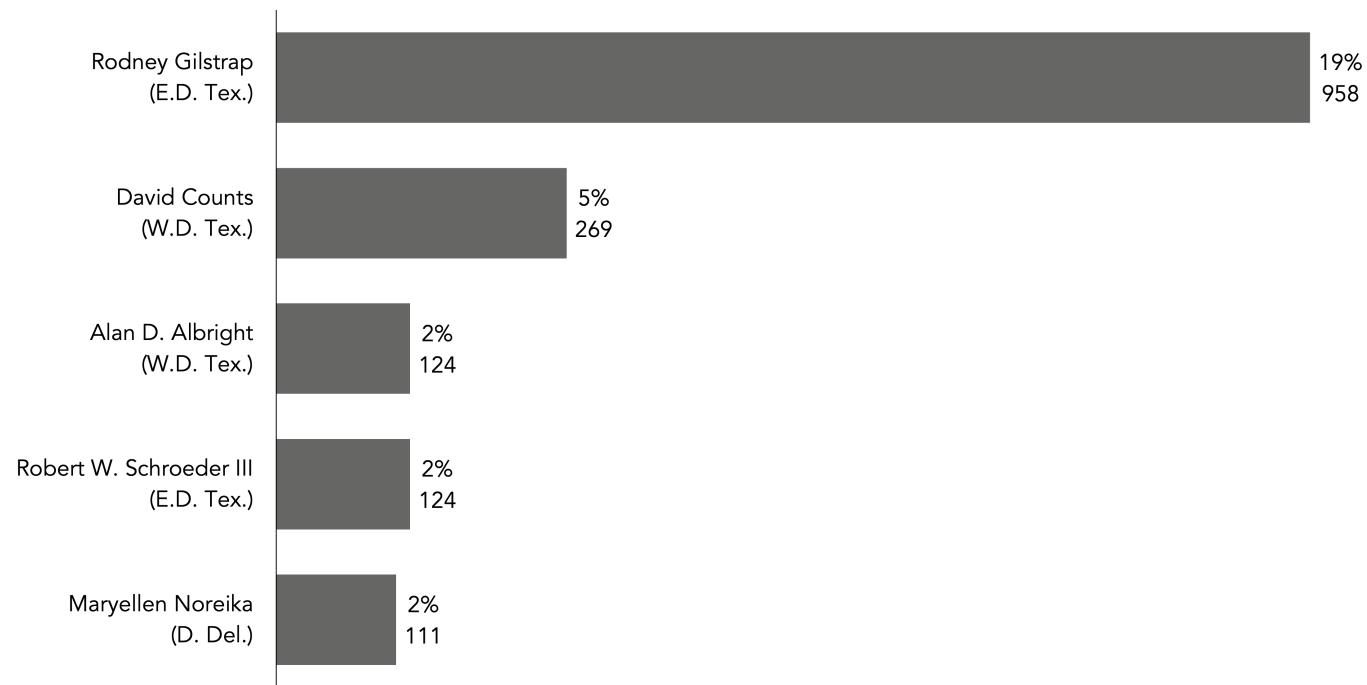
As many of those verdicts came late in 2025, fewer enhancements (e.g., by tacking on interest) or reductions (e.g., by ruling in favor of a defendant on a posttrial motion) have yet materialized.

See [here](#) for RPX coverage of the year's top damage awards.

– Judge Gilstrap Still on Top, but Judge Albright Stays in the News

The top district judge for patent litigation in 2025 was Eastern District of Texas Judge Rodney Gilstrap, who oversaw 19% of all new patent litigation this past year (and presided over five of the six East Texas trials noted above).

Top District Judges in 2025 (Defendants Added and Percentage of Total)



Western District of Texas Judge Alan D. Albright tied for third place with Eastern District of Texas Judge Robert W. Schroeder III this past year. In Q4, Judge Albright fell just short of the top five.

Judge Albright, a former patent litigator who took the bench in the Waco Division in 2018, drew scrutiny and criticism for openly seeking to attract patent litigation to his courtroom—both through outreach and through a series of rule changes designed to streamline patent cases. Those efforts were enabled by permissive divisional filing rules that allowed plaintiffs to file cases in specific divisions within a district—thus guaranteeing that plaintiffs would get Judge Albright by filing in Waco, where he is the only district judge. As a result, Judge Albright became the nation's top patent judge by an increasingly large margin and held that status for years.

However, Judge Albright was then knocked out of first place by rule changes made by his district's chief judge in 2022 that explicitly targeted the concentration of patent litigation in his court—requiring that all Waco patent cases be randomly assigned among a larger group of judges, including Judge Albright. Though Judge Albright continued to be assigned a disproportionate share of cases in existing campaigns in the wake of the order, his patent docket nonetheless dwindled.

While Judge Albright may no longer play as large of a role in terms of litigation volume, headline-grabbing developments have nonetheless continued to play out in his courtroom.

A notable recent example came in the West Texas leg of a larger saga involving litigation misconduct from a prolific but embattled patent attorney, William P. Ramey III of Ramey LLP. The past few years have seen a growing number of district courts shift attorney fees against Ramey, his firm, and various plaintiffs under their representation for pursuing substantively weak file-and-settle cases. In one such lawsuit, filed by [mCom IP, LLC](#) against Cisco, the defendant filed a motion in December 2023 that sought both \$73K in attorney fees but also a novel nonmonetary sanction: a prefilings injunction that would bar Ramey from bringing any patent cases in West Texas without permission.

Two years later, on December 18, 2025, Judge Albright finally ruled and granted the motion—barring Ramey or his firm from bringing any patent infringement suits in the entire Western District without leave from a West Texas judge, the Fifth Circuit, or a “delegee thereof”, citing Ramey's history of filing

meritless cases and his repeated failure to perform adequate pre-suit investigations or attend hearings. Ramey has appealed the order to the Federal Circuit, as well as filing an emergency motion for a partial stay.

More on this latest chapter in the Ramey saga can be found [here](#).

Meanwhile, as the year approached its end, Judge Albright also played a role in an unprecedented dispute triggered by a significant ruling that greatly expanded the reach of European courts. Earlier this year, the Court of Justice of the European Union (CJEU) held in *BSH Hausgeräte v. Electrolux* that both national courts in EU countries as well as the Unified Patent Court (UPC) may decide claims of infringement over patents issued non-EU countries (as detailed further in the UPC Update section below). This led one plaintiff, [Onesta IP LLC](#), to file in early October what appears to be the first-ever case to assert US patents in a German court, targeting automaker BMW in the Munich I Regional Court over the provision of vehicles that (per BMW) include “Qualcomm Snapdragon-System[s]-on-Chip (SoC) with an integrated Adreno-GPU”. That defendant then filed suit in the Western District of Texas on December 15, in part seeking a declaratory judgment that by enforcing the patents outside the US and seeking damages reaching further back than the six years allowed under the US Patent Act (back to April 2018), Onesta IP has misused the two patents-in-suit such that they are unenforceable.

That same day, BMW filed a motion for an *ex parte* temporary restraining order (TRO) and anti-suit injunction (ASI): The ASI would bar Onesta IP from further litigating the US patents in Munich, from filing an anti-anti-suit injunction in Munich (i.e., one that would prevent BMW from seeking this relief in Texas), and from seeking a preliminary injunction in Munich against BMW; the ASI would also order the NPE to indemnify BMW for any associated costs of litigating its US patents in Munich. The TRO would preserve the status quo while the ASI was pending.

On December 16, Judge Albright granted BMW’s motion for a TRO, setting the amount for a security at USD\$0. Then, on December 30, Judge Albright extended the TRO until January 13, setting a hearing for that same day.

In the leadup to that hearing, Onesta IP indicated it would not further escalate the jurisdictional back-and-forth between the two venues—notifying Judge Albright on January 8 that it “does not intend to request an AASI from the Munich court”.

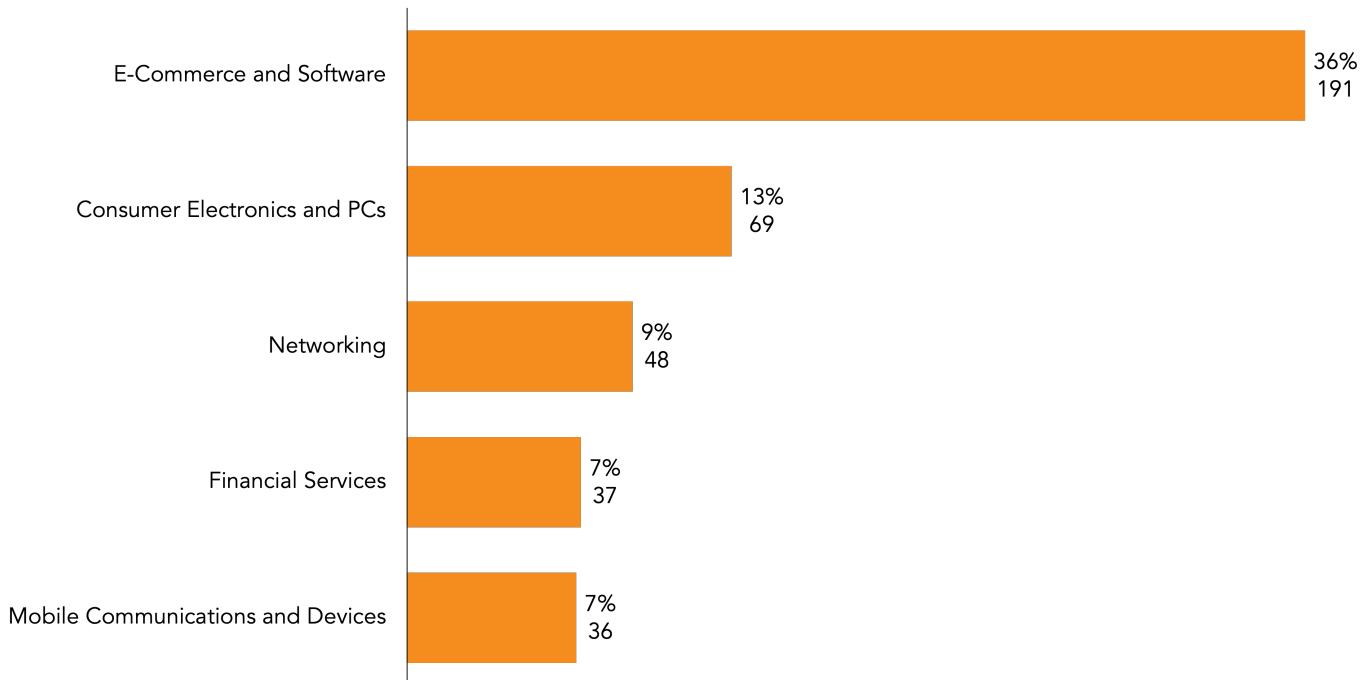
Nonetheless, Judge Albright ruled against Onesta IP at the January 13 hearing and converted the TRO into an ASI, barring the patent owner from proceeding with its German cases: *IAM* [reports](#) that according to BMW’s counsel, Judge Albright emphasized that the “right to a jury is sacrosanct” (as paraphrased by *IAM*). Onesta IP has stated that it plans to seek an emergency appeal from the Federal Circuit, *IAM* additionally reports.

See [here](#) for more on *BSH*, plaintiff Onesta IP, and its German case against BMW.

Market Sector Update: Monetization Firms, Familiar Individuals, and Inventor-Controlled Plaintiffs Target E-Commerce and Software Products in Q4

The top market sector for NPE litigation in Q4 2025 was E-Commerce and Software, accounting for 36% of the defendants added to patent litigation campaigns during the quarter. Consumer Electronics and PCs saw the second highest amount of NPE litigation in Q4, followed by Networking, Financial Services, and Mobile Communications and Devices.

Top NPE Market Sectors in Q4 2025 (Defendants Added)



Plaintiffs filing litigation in this sector during the fourth quarter included several related to known patent monetization firms and licensors. In mid-November, [OptimNet LLC](#), a Texas NPE linked to Korean monetization firm IP T&A Co., Ltd. (apparently d/b/a Intellectual Property Transaction and Analysis), [launched a new campaign](#) over various cloud services over patents exclusively licensed from the [Electronics and Telecommunications Research Institute](#) (ETRI), a Korean research institution. Earlier that month, [Connected Orange LLC](#)—a plaintiff controlled by Texas-based [Equip IP Management LLC](#)—filed its [inaugural complaint](#) targeting mobile devices that utilize certain mobile payment services, among other products. Public records indicate that the plaintiff filed suit after obtaining litigation funding, the second plaintiff linked to Equip IP known to have done so after [NeoLayer LLC](#).

[Nearby Systems LLC](#), a plaintiff associated with Texas monetization firm [Empire IP LLC](#), also [expanded its ongoing campaign](#) in late October with two more cases against mobile apps with features related to displaying maps and locating banks or stores. Additionally, [Arlington Technologies, LLC](#), a subsidiary of Texas-based [Dominion Harbor Enterprises, LLC](#), filed litigation in late October over [AI-based systems and services](#) focused on avatar, character, and assistant creation as well as video, audio, and speech processing. Also, [WirelessWERX IP LLC](#)—an NPE associated with Dynamic IP Deals, LLC (d/b/a DynalIP) and affiliated entity [Pueblo Nuevo LLC](#)—filed [new cases](#) targeting various platforms and products with geofencing functionality in early October.

Other plaintiffs hitting this space in Q4 included several plaintiffs linked to some familiar individuals engaged in patent monetization. Those include former [IP Navigation Group, LLC \(d/b/a IPNav\)](#) head Erich Spangenberg, whose newest monetization outlet, [SIM IP](#), filed its [first US suit](#) through subsidiary [Friendship IP Protection LLC \(f/k/a SIM IP 6 LLC\)](#) in mid-December, targeting social media platforms. In

mid-November, Texas NPE [Congruent Media Resourcing LLC](#) also [began litigating](#) a former OpenPeak patent against [providers of cybersecurity products](#) with secure application technology. That plaintiff is controlled by two individuals linked to a growing web of other plaintiffs, including [Optimum Vector Dynamics LLC](#), [VE Opening LLC](#), and [Vision Sphere Labs LLC](#).

Additionally, in early November, [Adaptive Classification Technologies LLC](#) kicked off its [first campaign](#) with two complaints against providers of e-discovery platforms with predictive coding and text analytics features. That plaintiff is managed by a patent attorney who was previously much more active in the patent monetization space but appears to be gearing up once again, judging by the assignment of patents earlier in 2025 to two other entities under his control—[Atomic IP LLC](#) and [Vision Augmentation Technology LLC](#)—that have yet to file litigation.

Also suing over various products in this sector were a group of New Mexico plaintiffs linked to a patent monetization professional who appears to be linked to a growing number of other litigating NPEs: [DynaMuse LLC](#), which in mid-November [started a campaign](#) over music streaming platforms with various features related to media organization and playback control; [SynchroFi LLC](#), which [began a campaign](#) over various online platforms with two-factor authentication features in late October; [UpChat LLC](#), which [filed its first litigation](#) over mobile ordering apps with phone number authentication and delivery tracking features, also in late October; and [Tesseract Systems LLC](#), which [filed its second case](#) in early October, targeting neural network training frameworks.

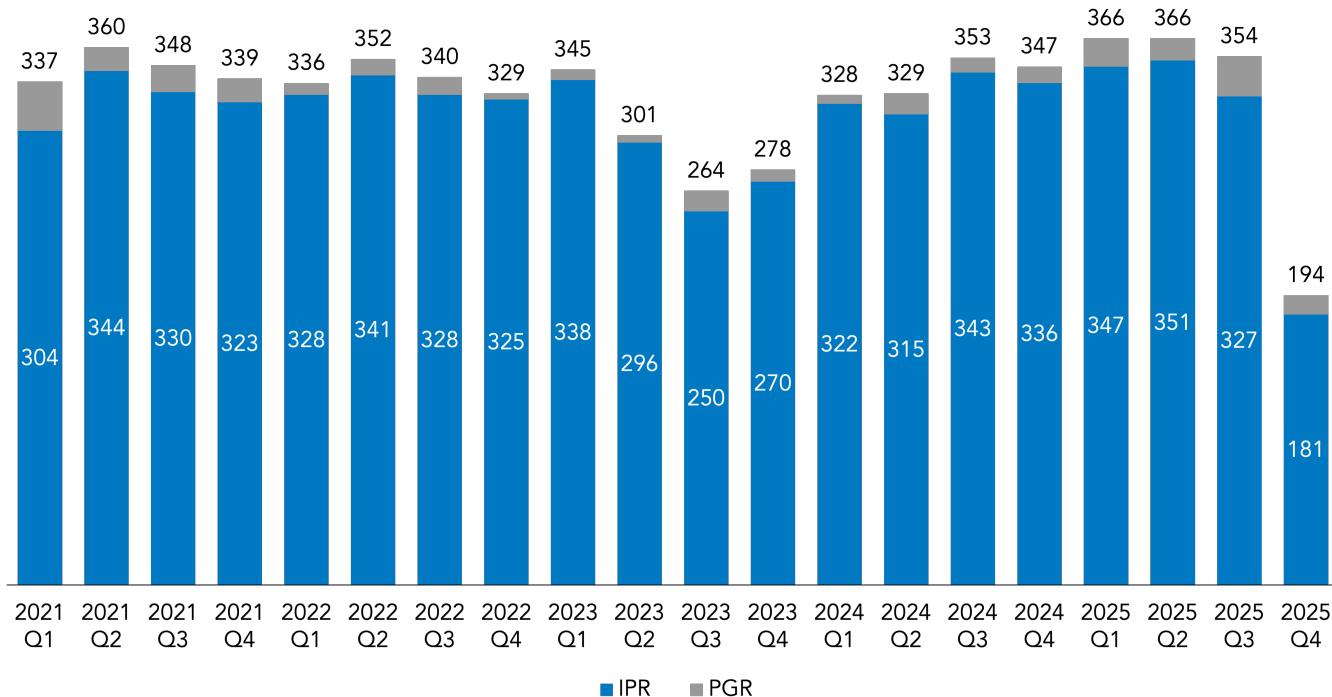
Still more plaintiffs filing E-Commerce and Software Litigation in Q4 were several inventor-controlled NPEs: [Primos Storage Technology LLC](#) targeted cloud service infrastructure in a late-December complaint; [BenedorTSE LLC](#) filed suits over secure payment apps and services in mid-November and late December; [Adaptive Avenue Associates, Inc.](#) tagged another company over its website's slideshow features in late November; and [iScan2D Technologies, LLC](#) launched a campaign [targeting wearables](#) with certain user interface features related to device pairing in early November.

PTAB Update: Institution Rates Fall and Reexams Climb as USPTO Further Limits IPR

The Patent Trial and Appeal Board (PTAB) saw just 194 petitions for America Invents Act (AIA) review in the fourth quarter of 2025, including 181 petitions for *inter partes* review (IPR) and 13 petitions for post-grant review (PGR). This marks a 44% decrease compared to Q4 2024 and a 45% drop compared to Q3 2025—and makes Q4 2025 the fourth-lowest full quarter since the PTAB's launch in September 2012.

That said, 2025 overall saw just 6% fewer PTAB petitions filed (at 1,280) compared to 2024 (1,357 petitions filed), as a result of relatively higher filings in Q1 and Q2 that offset some of the loss from Q4.

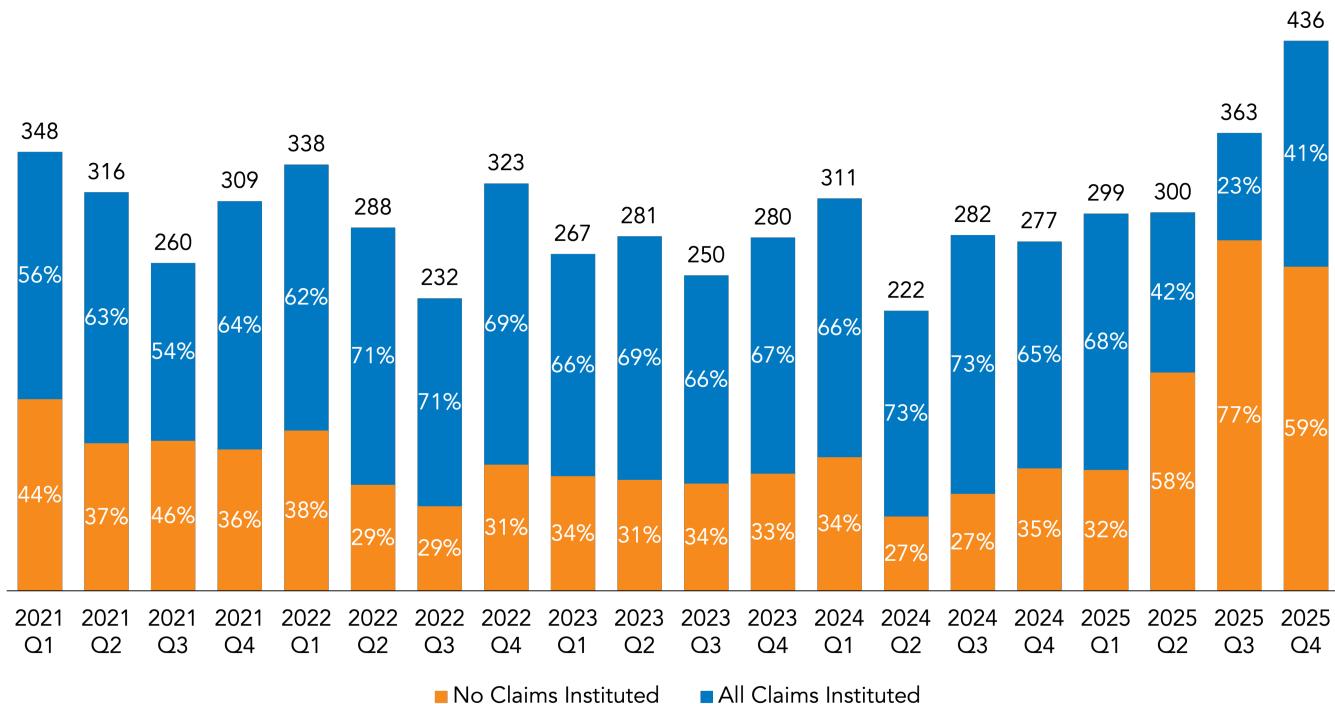
AIA Review Petitions Filed



– Changes at PTAB Trigger Drop in Institution Rates—Especially Under Squires

The PTAB instituted trial in 41% of the AIA review petitions addressed in Q4, compared to 65% in Q4 2024 and just 23% in Q3 2024.

AIA Review Institution Rates



However, the overall institution rate for the quarter only tells part of the story, given recent changes to the processes and substantive factors governing institution at the PTAB—changes that have increasingly limited access to AIA review, and are likely driving the downturn in new petitions as well.

In February, then-Acting USPTO Director Coke Morgan Stewart withdrew guidance issued in 2022 by former USPTO Director Kathi Vidal that had limited discretionary denials based on the status of parallel litigation under the *NHK-Fintiv* rule. Soon after, Stewart implemented an interim two-stage process in which she would decide requests for discretionary denial, rather than a panel of PTAB administrative patent judges (APJs) making that determination. Under that interim process, Stewart followed an approach allowing discretionary denials based on a broader set of factors—including a controversial one allowing denials for petitions against patents longer in force based on the “settled expectations” of the parties. Only if Stewart determined no discretionary denial was warranted would the acting director then refer the petition to a PTAB panel for consideration of the merits and nondiscretionary factors.

As a result of these changes, the AIA review institution rate steadily declined—from 68% in Q1 to 42% in Q2 and just 23% in Q3.

Then, on October 17, recently confirmed USPTO Director John Squires announced that he would now handle the entire AIA review institution process, including both discretionary denials and the merits/nondiscretionary factors—making those determinations with no accompanying written decisions in most cases. Squires explained that the new process was necessary in part to eliminate the “appearance of self-interest” resulting from workload structures that based APJs’ compensation in part on the number of trials they instituted, and to “[e]nhance transparency and public trust through a single line of authority”.

Squires has rarely instituted petitions decided under this new process, doing so in just 27 of the 196 petitions decided in Q4—resulting in an institution rate of just 14%. The director has issued those institution decisions almost entirely through a series of consolidated summary notices that address numerous, often unrelated IPRs in bulk. Squires has explained his reasoning only for a handful of petitions, including four petitions discretionarily denied in light of the director’s November 3 precedential decision in *Revvo Technologies v. Cerebrum Sensor Technologies* ([IPR2025-00632](#)), which allows such denials where petitioners take inconsistent positions on claim construction between district

courts and the USPTO. The director made this determination for three of those petitions, all filed by three baby stroller makers against Baby Jogger, in a footnote within a larger December 1 summary order (reversing his prior decision to refer those petitions to the PTAB); and in a separate order denying an IPR filed by Caption Health.

Apart from the Caption Health denial, Squires has only issued full decisions in rulings that reversed prior institution decisions. For instance, in two Google IPRs against [Bootler, LLC](#), he [discretionarily denied](#) institution (revisiting a prior referral to the PTAB after the petitioner, which initially did not request discretionary denial, did so after circumstances changed) because the district court had, in a parallel case, found the challenged claims patent-ineligible under Section 101 (a practice that was challenged in an unsuccessful *mandamus* petition filed by HighLevel, as detailed further below). In another IPR filed by Tesla against [Intellectual Ventures LLC](#), Squires [overturned](#) a PTAB panel's August decision to institute trial after criticizing Tesla for taking inconsistent positions on claim construction.

Despite the 14% institution rate for petitions for which Squires decided institution, the overall institution rate for Q4 was higher at 41% for two reasons: First, the Squires-led institution process only took effect on October 20, so the Q4 rate includes petitions already referred by Stewart for which panels made the ensuing merits institution decisions while the interim institution process was still in effect. Second, the new process only covers petitions not yet filed or instituted by that date, and establishes that petitions that Stewart had already referred to a panel for the merits prong of the interim institution process would remain with those panels—so a number of post-October 20 institution decisions were made by panels addressing the merits of petitions referred by Stewart.

It is also worth mentioning that in the memorandum in which Squires announced his takeover of the institution process, he remarked that the bifurcated interim process introduced in March, while “smart and necessary”, had an unintended consequence—explaining that for the decisions that Stewart referred to PTAB panels for evaluation on the merits, an “extraordinarily high” number of those were then instituted (“at one point exceeding 95 percent”).

– Federal Circuit Rejects Challenges to Discretionary Denial Practices

The Federal Circuit has meanwhile rejected a series of *mandamus* petitions challenging the USPTO’s various discretionary denial changes, all brought by petitioners with AIA review petitions that were either denied institution or de-instituted under those updated standards.

On November 6, the appellate court denied three petitions for *mandamus* review from Motorola Solutions, SAP, and Alphabet (Google) and Samsung, rejecting arguments that by withdrawing the 2022 Vidal guidance and applying more restrictive standards retroactively, the agency violated the petitioners’ due process rights, also declining to hold that the changes were procedurally invalid for being implemented without notice-and-comment rulemaking. Then, on December 9, the appellate court applied similar reasoning to reject an additional trio of petitions, including two (one filed by SanDisk Technologies and Western Digital, and the other by Cambridge Industries) protesting the “settled expectations” factor and another (filed by HighLevel) that fought a *Fintiv* denial based on a district court’s invalidation of the patent at issue under *Alice*. Seven other *mandamus* proceedings contesting various aspects of the USPTO’s discretionary denial practices remain active, including one from Volkswagen focused on a [separation of powers argument](#).

The Federal Circuit will also soon be considering a challenge to the USPTO’s discretionary denial practices through the normal appeals process, rather than ones that seek the “extraordinary” remedy of *mandamus* review. In *Verizon v. Omega Patents*, a PTAB panel issued a final written decision that invalidated all petitioned claims from the patent at issue, but then-Acting Director Stewart vacated the final written decision (rather than reversing it) in June 2025—holding in part that further proceedings would be inefficient because the patent had already been subjected to seven patentability challenges, including another successful IPR also on appeal. Now-Director Squires sought to dismiss petitioner Verizon’s appeal for lack of jurisdiction, arguing in part that because the final written decision has been

vacated there is nothing that may be appealed. Verizon countered that this position amounts to an “unlawful . . . attempt to elude” the Federal Circuit’s jurisdiction.

On December 9, the appellate court denied the USPTO’s motion to dismiss along with one from the patent owner, ordering the parties to instead address those issues in their merits briefs. Squires has in the meantime continued the practice of vacating final written decisions rather than reversing them, doing so on October 9 for an Interactive Communications IPR in which a panel had invalidated claims from a Blackhawk Network patent.

– Rulemaking Proposal Floats Further Limits on AIA Reviews

On October 17, the same day that Squires took over AIA review institution, the USPTO also published a [Notice of Proposed Rulemaking](#) (NPRM) that would further limit access to the PTAB. The proposed rules would bar AIA review institution unless petitioners stipulate not to raise invalidity challenges under Section 102 or 103 in parallel litigation, where the parallel forum would likely address validity on that basis before the PTAB issues its final written decision, or where the patent’s validity has already been upheld by another forum.

The NPRM, which seeks to implement these rules through revisions to the PTAB’s rules of practice, also details a series of policy rationales that underpin the USPTO’s proposed changes. In part, the USPTO argues that IPRs have ceased to be a true “alternative” to district court litigation as contemplated by Congress for the AIA. The agency further highlights the practice of “serial or parallel” IPRs, asserting that this can be “wasteful” by forcing the relitigation of validity issues already considered, or being considered in parallel, by the USPTO, district courts, and the International Trade Commission (ITC).

Public comments submitted by the December 2 deadline included feedback from a number of notable petitioner-defendants—many of which argued that the proposed stipulation requirement would violate the statutory estoppel provisions of the AIA, and that restrictions based on prior determinations of validity improperly exceed AIA provisions that only limit IPRs from the same petitioner or real party in interest. Some also assert that the suggested limitations regarding parallel validity challenges run counter to the statutory one-year time window from the date of service within which district court defendants may file PTAB petitions.

In contrast, certain licensors, NPEs, and other entities engaged in patent monetization offered support for the NPRM, variously characterizing the stipulation requirement as helping to fulfill Congress’s intent for AIA reviews to serve as a true “alternative” to district court litigation, and the proposed limits for patents with prior validity determinations as supporting what they identified as Congress’s desire that the AIA establish “quiet title” to patents. Meanwhile, the USPTO also received a letter in support of its proposal from some of the cosponsors of a PTAB reform bill before Congress—and a competing letter opposing the proposal from former legislators that either voted for the AIA or have since supported it.

More on those public comments and on the NPRM itself are available [here](#).

– Reexams Spike Further as IPR Limits Further Tighten

As the USPTO continues to make changes limiting access to AIA review, petitioners have responded by filing more and more *ex parte* reexaminations—which, while slower than IPRs, are not subject to discretionary denials to the same extent.

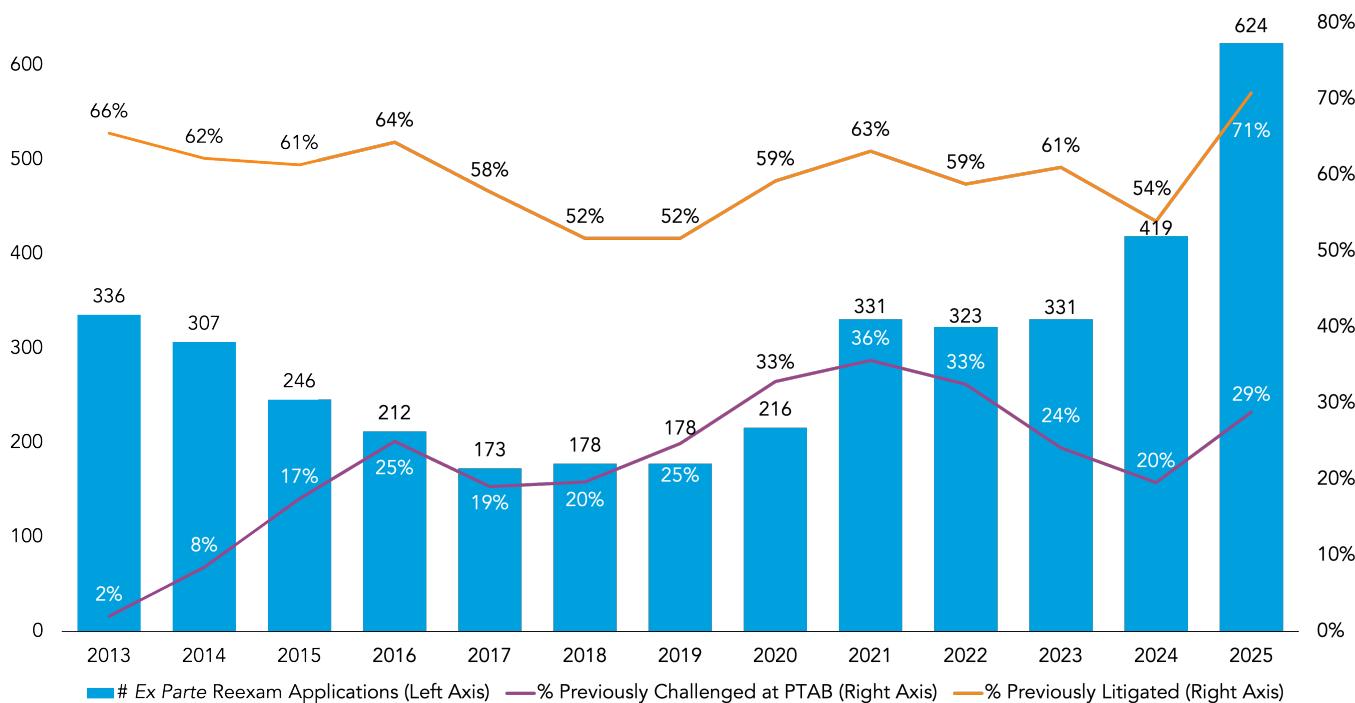
RPX has previously noted how the popularity of reexams has tended to climb in response to policy shifts that constrain IPR access: In 2020, the year that the *Fintiv* decision was designed as precedential, the number of requests for *ex parte* reexam increased by 21%, and then by 53% in 2021. While they held steady at about 330 requests per year in 2022 (the year Vidal issued the just-overturned guidance limiting *NHK-Fintiv*) and 2023, they surged by 27% in 2024 (following a decision by Vidal, in

[CommScope v. Dali Wireless](#), that limited the “compelling merits” exception then in effect under the 2022 guidance).

Reexams peaked yet again in 2025: Following a more muted first quarter, reexam requests climbed by 32% in Q2 (during which Stewart withdrew Vidal’s restrictions on *Fintiv*) compared to the same quarter last year, then swung up by 39% in Q3 and spiked by 119% in Q4. As a result, reexam filings were up by 49% for the year as a whole.

Also, data indicate that the share of patents with reexam requests that have also been litigated in district court has continued to climb—reaching 71% in 2025, up from 54% last year. Data additionally show that the amount of patents for which defendants have also requested IPRs has begun to swing back upward, following a steady downward slide: After peaking at 36% in 2021 and decreasing to 33% in 2022, 24% in 2023, and 20% in 2024, this share climbed to 29% in 2025.

Ex Parte Reexam Filings and the Share of Challenged Patents with Prior Litigation and PTAB Reviews



Note: Data as of January 12, 2026. Due to the delayed availability of filing dates and related data from the USPTO, this analysis is subject to change.

UPC Update: Court Continues to Expand Its Reach After CJEU Ruling

The Unified Patent Court (UPC) has played an increasingly central role in the European patent enforcement landscape since its June 2023 launch, offering a single forum where plaintiffs can seek sweeping damages and injunctions that could, until this past year, span up to 18 participating EU countries.

In 2025, the potential scope of that available relief grew even further as a result of *BSH Hausgeräte v. Electrolux*, a landmark ruling on long-arm jurisdiction from the Court of Justice of the EU (CJEU). *BSH* held that the UPC, as well as national courts in EU member states, can decide claims of infringement of non-EU patents. The decision thus allows the UPC and EU national courts to award damages and/or impose injunctions for acts of infringement occurring outside the EU, as long as the defendant is domiciled in one of the 18 countries participating in the UPC (for UPC litigation) or in the EU (for national court litigation).

BSH also establishes that when an asserted European patent is subjected to a validity challenge in the applicable national court, the EU court where the patent is asserted may decide whether to stay the case based on whether there is a “reasonable, non-negligible possibility” the other court will invalidate that patent—rather than requiring an automatic stay, as was the case under prior readings of the applicable EU law. Additionally, *BSH* allows the UPC and other member state courts to rule on the validity of patents issued in non-EU countries that are not subject to special jurisdictional rules like the Lugano Convention (a treaty that gives its non-EU signatories similar jurisdictional protections as EU states), though such invalidity decisions are merely *inter partes* (i.e., they resolve the claims between the parties but do not actually remove a patent from its national registry).

The UPC has since applied *BSH* to decide infringement claims—and thus award both injunctions and damages—for patents issued in non-UPC countries. Indeed, starting this past summer, the UPC has leveraged that power to decide claims of infringement outside the EU: In mid-July, in *Fujifilm v. Kodak*, the court’s Mannheim Local Division issued the [first-ever UPC injunction covering infringement in the UK](#) (which left the EU following Brexit); and in August 14, the Hamburg Local Division took *BSH* a step further in *Dyson v. Dreame*, issuing the UPC’s [first-ever injunction covering Spain](#) (an EU nation that did not join the UPC). The latter decision, and a companion ruling, are further notable for endorsing the concept of an “anchor defendant”—where the UPC has jurisdiction over acts of non-UPC infringement from an entity not based in a UPC country as long as another codefendant from the same “company group” is based in a UPC territory.

Additionally, in *IMC Créations v. Mul-T-Lock*, the Paris Local Division held that *BSH* allows it to hear claims arising in the UK and Spain but also in Switzerland, a non-EU country subject to similar jurisdictional rules as EU states. Furthermore, in *Alpinestars v. Dainese*, the Milan Local Division applied *BSH* to hear claims asserting a Spanish patent.

The UPC further clarified the reach of *BSH* in the fourth quarter. On October 10, in *HL Display v. Black Sheep Retail Products*, the Hague Local Division (Hague LD) awarded the plaintiff a 14-country injunction spanning not just the eight UPC states where the asserted patent is in force (Austria, Belgium, France, Germany, Italy, the Netherlands, Portugal, and Sweden) but also six non-UPC countries: EU member states Ireland and Poland, neither of which joined the UPC Agreement; Norway and Switzerland, non-EU countries that are Lugano Convention signatories; and Lichtenstein and the UK, both of which are non-EU and non-Lugano countries.

Beyond the scope of that injunction, *HL Display* is also notable for reaffirming the scope of *BSH* as applied at the UPC: The Hague LD held that it has jurisdiction to hear infringement claims for all countries where an European patent has been validated (i.e., for all countries where the European patent is in force), even those that are not UPC contracting member states (CMS).

The Hague LD further clarified in *HL Display* how the UPC should handle situations where a patent’s validity has been challenged in its country of issuance (thus invoking the validity-stay situation

addressed in *BSH*): For non-UPC EU countries or countries belonging to the Lugano Convention (under which similar jurisdictional rules apply for participating non-EU countries), the UPC will determine “whether there is a **serious**, non-negligible chance that the competent national court will invalidate the patent” (emphasis added; as noted above, *BSH* uses the term “reasonable” rather than “serious”). The Hague LD also reiterated that the UPC may issue an *inter partes* validity decision for non-EU countries without special jurisdictional rules like under Lugano.

– NPE Activity at the UPC in Q4

NPEs have increasingly incorporated the UPC into their filing strategies, including some litigation that saw notable rulings in the fourth quarter.

Among them is Texas-based [Advanced Standard Communication LLC](#), which in early Q4 was blocked by the Munich Local Division (Munich LD) from expanding its infringement claims in a cellular standard essential patent (SEP) case against Xiaomi. The plaintiff targeted the accused products’ use of 4G/LTE in its October 2024 Statement of Claim (or “SoC”, the UPC analogue of a US complaint) but argued for the first time in an August 2025 reply that the use of 5G (in particular, an optional feature) infringed as well, providing voluminous supporting materials. In an October 6 order, the Munich LD treated this as a motion to amend the SoC, which it rejected as both untimely and as going too far beyond the facts and arguments presented in the SoC. The court ruled that because the plaintiff was raising a new standard for the first time, and because the question of whether an optional feature was implemented “must be extensively demonstrated with expert opinions and log files”, this therefore “constitutes a new allegation of infringement that goes beyond the original scope of the dispute”.

To hold otherwise, the Munich LD underscored, “would contradict the front-loaded system”, a key aspect of UPC proceedings wherein a plaintiff must generally detail its arguments and evidence in concrete terms at the start of the case. The decision thus illustrates the double-edged sword of UPC proceedings: Proceedings move more quickly than in other venues, but plaintiffs must present a fleshed-out infringement case at the outset—a stark contrast from the US, where NPEs generally do not need to disclose their infringement contentions until later in the course of litigation.

Another notable NPE ruling involved [GXD-Bio Corporation](#), a subsidiary of Korean monetization firm [Intellectual Discovery Co., Ltd.](#), that has been described as a “bio-IP monetisation company” by Dongsuk Bae, the CEO of both entities. In July 2024, GXD-Bio became the first NPE to file UPC litigation over a biotech-healthcare patent—here, one related to breast cancer detection, asserted against Myriad and Eurobio Scientific. On December 19, the Munich LD both invalidated that patent for added subject matter (i.e., for claiming subject matter not contained in the parent application) and ruled that under a key claim construction, the accused testing products did not infringe.

The court also opted not to address certain other defenses raised during the course of litigation, including the defendants’ argument that a subsequent acquirer of a patent cannot bring damages claims for infringement occurring before its acquisition of the patent because the acquirer is not the “injured party” under Article 68(1) of the UPC Agreement. Additionally, in November 2024, the court granted the defendants’ request for a security from GXD-Bio, totaling €112K, to cover its potential costs. Similar to the UPC’s approach for other NPEs, the Munich LD held that the plaintiff’s NPE status, its low credit limit, and lack of assets other than the asserted patent family presented “significant doubts” that the plaintiff would have sufficient funds to otherwise pay the defendants’ costs.

FRAND Update: European Battle over SEP Jurisdiction; US and EU Policy Initiatives

– UK Interim FRAND License Rulings Prompt Jurisdictional Conflict with UPC and German Court

2025 was marked by jurisdictional conflict between three of the world's top venues for standard essential patent (SEP) litigation. Over the past year, UK courts issued a series of rulings requiring SEP owners to offer interim licenses in fair, reasonable, and nondiscriminatory (FRAND) cases, also holding that a SEP owner will be deemed unwilling if it refuses to do so. This prompted pushback from Germany's Munich I Regional Court and the Mannheim Local Division (Mannheim LD) of the Unified Patent Court (UPC), both of which in late September issued the [first-ever anti-interim-license injunctions](#) (AIIIs) barring the pursuit of such relief in a UK case filed by Amazon against [InterDigital, Inc.](#)

In late October, UK High Court Justice Richard Meade fired back with an [interim anti-anti-suit injunction](#) (AASI) designed to protect the court's jurisdiction over the remaining FRAND claims in that case, barring the patent owner from preventing Amazon from pursuing its remaining claim for a final FRAND determination. The High Court left that AASI in place in another ruling issued on December 2.

This conflict further intensified as 2025 came to a close. On December 18, UK High Court Justice James Mellor issued an [interim license ruling](#) in a different case, an action filed by implementers Acer, ASUS, and Hisense against patent owner Nokia, in which it doubled down on the same interim license approach. The court also pushed back on the stances taken by the Munich I Regional Court and Mannheim LD, arguing that they had misunderstood the scope of the UK court's orders as barring patent enforcement in other jurisdictions.

Justice Mellor also addressed multiple other issues for the first time, including the jurisdictional impact of the patent owner's offer to resolve SEP licensing issues via arbitration. Here, the court concluded that not only was arbitration not an available forum because it is not a forum at all, arbitration also did not satisfy the patent owner's relevant licensing commitment—and held that such an offer did not undercut the court's jurisdiction. Additionally, Justice Mellor found that the relevant licensing commitment—made to the International Telecommunication Union – Telecommunication Standardization Sector (ITU-T), a Switzerland-based standard-setting organization—required the patent owner to offer a RAND license, rather than just negotiate in good faith, under Swiss law.

On December 19, in an [order](#) not disclosed publicly until the new year, Justice Meade then rejected a jurisdictional challenge from InterDigital in the Amazon case. In that decision, Justice Meade declined to revisit a line of UK cases broadly establishing that claims like Amazon's are properly characterized not as contractual claims for global RAND licensees, but rather as claims for obtaining a license to UK patents that also happens to be a global license. Justice Meade was also unconvinced by InterDigital's contention that its undertaking not to seek injunctions during litigation undercut jurisdiction over Amazon's RAND defense and RAND claims, additionally ruling that the company's competition law claims could remain in suit as they are properly focused on the UK. Notably, the court also rejected InterDigital's argument that jurisdiction was overcome based on the patent owner's offers to resolve the licensing disputes via arbitration, finding that this was an improper attempt to force Amazon into arbitration—and that arbitration should be a consensual process. Unlike Justice Mellor's decision in the case against Nokia, Justice Meade did not here conclude that arbitration did not constitute a forum at all.

Then, on December 22, the UPC's Mannheim LD "confirmed" its AILI against InterDigital, held that the UK's interim license rulings violated fundamental EU rights (the EU "ordre public"), and imposed a fine of up to €50M (USD\$59M) against Amazon if it continues to pursue FRAND claims in the UK that could limit InterDigital's enforcement rights in the EU, plus a *per diem* fine of up to €500K (USD\$590K). The Mannheim LD additionally informed the European Commission about this matter "[d]ue to the possible effects of this dispute on EU antitrust law".

- UPC’s First FRAND Determination Claims from SEP Owners**

Yet another significant development came at the UPC, before which are two cases that appear to be the first in which the *SEP* owners requested FRAND determinations from the UPC. This is significant because the UPC Agreement (the treaty that formed the UPC) does not specifically allow standalone FRAND claims, while other UPC *SEP* cases were brought by implementers and did not result in FRAND determinations: In *Panasonic v. Oppo*, the parties settled before the Mannheim LD could rule on the FRAND rate, though the court nonetheless still issued a decision in which it found implementer Oppo’s FRAND counterclaim admissible but unfounded. In *Huawei v. NETGEAR*, the Munich Local Division (Munich LD) held that implementer NETGEAR could not rely on a FRAND defense under the circumstances.

The Paris Local Division (Paris LD) addressed the just-noted jurisdictional issue in one of those two cases, *Sun Patent Trust v. Vivo*, in October—allowing the patent owner to proceed by embedding conditional FRAND claims within its infringement claims against defendant Vivo, wherein the court would first decide whether the plaintiff’s offer had been FRAND, and only if the court answered in the affirmative would it proceed to evaluate an injunction. That said, an appeal over that jurisdictional question will proceed in parallel, though the Paris LD declined to stay the case in the meantime. A similar claim, in *Ericsson v. Transsion*, appears to be active before the Hague Local Division.

- European Commission Withdraws SEP Regulation Proposal, Prompting EU Parliament to Sue**

Another closely watched development in the *SEP* space has been the European Commission’s (EC’s) controversial proposal for a framework governing *SEP* licensing and dispute resolution in the EU. That proposal, introduced in April 2023, sought to create an EU-wide *SEP* registry, a system for performing nonbinding essentiality checks of certain registered *SEPs*, and an out-of-court process for determining FRAND terms, also nonbinding—as well as an optional rate-setting process that would in part determine the maximum aggregate royalty rate for a given standard and could be initiated unilaterally. While that legislation appeared to be gaining momentum in early 2024 despite pushback from *SEP* owners and other stakeholders, the Commission (which is the EU’s executive branch) took the unexpected step of [withdrawing the proposal entirely](#) in February 2025. The Commission subsequently confirmed the withdrawal in July.

The bill’s abrupt withdrawal—[reportedly](#) even taking some within the Commission by surprise—stated simply that there was “[n]o foreseeable agreement” on the proposal and that “the Commission will assess whether another proposal should be tabled or another type of approach should be chosen”. However, observers have noted a broader shift in the political climate in favor of deregulation (see, e.g., [here](#), [here](#), and [here](#)) that could forestall such action in the near term; *JUVE Patent*, for one, [speculates](#) that further changes may not happen until a new Commission is appointed in five years.

Meanwhile, on November 4, the European Parliament’s legal affairs committee, JURI, voted to sue the Commission over the proposal’s withdrawal, as a result of which a lawsuit was filed with the Court of Justice of the European Union (CJEU) on November 17. The member of Parliament who pushed for the proposal, German Social Democrat René Repasi, framed the case as a response to the Commission having “overstep[ped] its mandate” in order to circumvent Parliament and “enforce a deregulation agenda from above”. A 334-294 majority of the full Parliament then voted to move forward with the litigation on November 25.

- US Government Launches New SEP Policy Initiative**

As stakeholders debate *SEP* policy in Europe, the US government has also taken steps to revisit its own approach to *SEP* matters. On December 29, the USPTO [announced](#) the creation of a Standard-Essential Patent Working Group (or “*SEP* Working Group”) to ensure that all patent owners, “regardless of their

size or sophistication”, receive fair treatment and have “strong and predictable enforcement” rights for their SEPs.

The USPTO indicated that this initiative would build on the principles established through recent government advocacy in favor of expanding the availability of injunctive relief in patent cases. Two such examples are cited here: First, in June, the USPTO and the Antitrust Division of the Department of Justice (DOJ) filed a statement of interest in *Radian Memory Systems v. Samsung*—arguing that courts should consider the difficulty of valuing patents and calculating damages for their infringement when weighing irreparable harm, a showing required to win an injunction under governing law (the Supreme Court’s *eBay v. MercExchange* decision). The agencies contend that there should be no categorical rule barring NPEs from injunctive relief on that basis.

Second, in *Certain Dynamic Random Access Memory (DRAM) Devices*, an International Trade Commission (ITC) investigation filed by Netlist against Alphabet (Google) and Samsung, the USPTO and the DOJ’s Antitrust Division asserted that “the general importance of an infringer’s company or technology is not the same as the public interest”. To the contrary, the statement contends that the public interest is served by the issuance of exclusion orders (essentially, injunctions) in Section 337 investigations involving SEPs.

Based on those principles, the USPTO states that the SEP Working Group will have three objectives: to “[r]estor[e] [r]obust [r]emedies” for patent owners; to increase the participation of US companies, particular small-to-medium-sized ones, in the standardization process; and to “[c]reat[e] channels for dialogue with patent holders, implementers, SDOs, and other stakeholders”.

US Policy Update: Committees Weigh Bills to Reform AIA Reviews and Regulate Third-Party Litigation Funding

In November, the US House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet held a hearing on the Patent Eligibility Restoration Act ([PERA](#)), legislation sponsored by Senator Thom Tillis (R-NC). The majority of the witnesses, which included former USPTO Directors Andrei Iancu and David Kappos, spoke in favor of Section 101 reform—which Senator Tillis (also a primary co-sponsor of the [PREVAIL Act](#) and the [Tackling Predatory Litigation Funding Act](#)) says that he wants to push through before he leaves Congress in early 2027. The PERA is just one in a string of relatively recent administrative and legislative efforts aimed at clarifying, or reforming, Section 101; RPX members can access a closer look [here](#).

Also in November, two bills requiring disclosure of third-party litigation funding (TPLF) were slated for debate and vote by the House Judiciary Committee. One bill advanced—apparently the first TPLF-related bill to pass out of a congressional committee—and the other stalled, highlighting sharp partisan divides as well as an unexpected alignment between Democrats and conservative policy groups. Meanwhile, a senator from Louisiana reintroduced related legislation, echoing that state's 2024 law requiring disclosure of litigation funding agreements involving foreign financiers. RPX members can access in-depth coverage [here](#).

Meanwhile, some of the most frequent filers of patent litigation continue to ignore obligations under Delaware Chief Judge Colm F. Connolly's standing orders—but other [disclosures](#) made under those orders continue to reveal the scope of funding behind the top bulk filer (by volume, at least) of 2025.

During Q4, RPX noted new suits from multiple patent plaintiffs tied by public records to third-party litigation funders, as well as expansion of several existing funded patent campaigns; RPX members can access a round-up of that activity [here](#). RPX also flagged a [dispute](#) over litigation funding proceeds between Mintz Levin and [Parus Holdings, Inc.](#)

Patent Market Update: USPTO Resumes Release of Assignment Data, Revealing Notable Transactions

Late in Q4, the USPTO resumed its release of patent assignments to the public, with records revealing more portfolios (see [here](#) and [here](#)) moving into the hands of 2025's top bulk filer (by volume), as well as to other notable assignees, including multiple [Dominion Harbor Enterprises LLC](#) entities; a funded [Anjay Venture Partners LLC](#) plaintiff ([here](#)); and an NPE formed by a prominent IP finance firm ([here](#)). USPTO records made public during Q4 also reflect [divestitures](#) by [Intellectual Ventures LLC](#) and Xerox.

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