

DOLBY LABORATORIES LICENSING CORP. v. UNIFIED PATENTS, LLC, Appeal No. 2023-2110 (Fed. Cir. June 5, 2025). Before Moore, Clevenger, and Chen. Appealed from PTAB.

Background:

Unified petitioned for *inter partes* review ("IPR") alleging claims of one of Dolby's patents to be unpatentable. Unified certified itself as the only real party in interest ("RPI"), but Dolby identified nine other entities ("Alleged RPIs") that it believed should have been named as RPIs. The Board declined to adjudicate whether the Alleged RPIs should have been named as RPIs and instituted review with Unified as the sole RPI.

In its final written decision, the Board held that Unified failed to show any of the challenged claims to be unpatentable. The Board again declined to adjudicate the RPI dispute, explaining that such a determination is unnecessary because there is no evidence that any of the Alleged RPIs are time-barred or estopped from bringing the IPR or that Unified purposefully omitted any of the Alleged RPIs to gain an advantage. Dolby appealed, and Unified (and the Director of the USPTO as intervenor) challenged standing on appeal.

Issue/Holding:

Has Dolby established injury in fact sufficient to confer Article III standing on appeal?
No, appeal dismissed.

Discussion:

Although a party does not need Article III standing to file an IPR petition or obtain a Board decision, that party must establish standing once it seeks Federal Circuit review of the Board's final written decision. Dolby argued that it had standing to appeal the Board's refusal to adjudicate the RPI dispute based on (1) the statutory right of a "dissatisfied" party under 35 U.S.C. § 319; (2) the violation of Dolby's statutory right to information under 35 U.S.C. § 312(a)(2); and (3) various harms stemming from the Board's refusal that amount to injury in fact. The Federal Circuit disagreed with Dolby on all three points.

While 35 U.S.C. § 319 states that "[a] party dissatisfied with the final written decision of the [Board] under section 318(a) may appeal the decision," the Federal Circuit held that it is well established that a statutory right to appeal under the AIA does not obviate Article III standing requirements. The court also held that the AIA does not create an informational right, commenting that "[e]ven if patent owners have a right under 35 U.S.C. § 312(a)(2) to have RPI disputes adjudicated, such a right only arises in the context of IPR proceedings; there is no freestanding right to that information." And the Federal Circuit also held that Dolby's other purported injuries are too speculative to establish Article III standing. For example, although Dolby contended that the Alleged RPIs may be breaching license agreements, "Dolby does not argue any of the Alleged RPIs are subject to license agreements with Dolby, much less provide evidence the Alleged RPIs are breaching license agreements." Nor did Dolby provide any evidence that it will be barred from asserting estoppel against the Alleged RPIs in hypothetical future litigation.