

IRONBURG INVENTIONS LTD., v. VALVE CORPORATION, Appeal No. 2024-2088 (Fed. Cir. June 18, 2026). Before Chen, Hughes, and Stark. Appealed from W.D. Wash. (Judge Zilly).

## Background:

Ironburg sued Valve for infringing a gaming controller patent. Valve filed an IPR against that patent in 2016, and the PTAB partially instituted the IPR and issued a final written decision in 2017. Although several claims were cancelled in the IPR, certain asserted claims survived. In 2018, a third party (CMG) filed a separate IPR against the patent, raising new invalidity grounds based on a “Kotkin” reference and on a “Willner-Koji-Raymond” combination. Valve subsequently amended its district court invalidity contentions to include these CMG grounds. The district court granted Ironburg’s motion to estop Valve under 35 U.S.C. §315(e)(2). Valve appealed. The Federal Circuit vacated the estoppel, holding that (1) the patent owner bears the burden of proving estoppel, and (2) the mere existence of the CMG grounds is insufficient to prove that “an ordinary skilled searcher acting with merely reasonable diligence” would have discovered those references. The Court then remanded the case.

On remand, the district court evaluated Valve’s original searches (from Landon IP) and Ironburg’s retroactive 2023 searches (from Cardinal IP). In 2024, the district court again estopped Valve, finding that Landon IP’s classification searches proved Kotkin and Koji were reasonably discoverable, and Cardinal IP’s searches proved Raymond was reasonably discoverable by an ordinary skilled searcher. Valve appealed for a second time.

## Issues/Holdings:

(1) Did the district court err in its application of the skilled searcher standard to conclude that Kotkin and Koji were reasonably discoverable? Yes. Reversed.

(2) Did the district court err in its application of the skilled searcher standard to conclude that Raymond was reasonably discoverable? Yes. Reversed.

## Discussion:

Regarding the Kotkin and Koji references, the district court relied on the fact that Landon IP ran the exact classification codes containing the references. However, because the search string returned 26,333 references, the Federal Circuit held that a skilled searcher could not reasonably have “discovered” a reference within that set without evidence of narrowing techniques (such as keyword filtering) to reduce the list to a reviewable size. Something more is required for estoppel when a classification search alone returns an unreviewable number of search results.

Regarding the Raymond reference, Cardinal IP’s retroactive searches improperly used forward-citation queries without date restrictions, pulling in patents issued after Valve’s 2016 IPR. The searcher then used these future results to craft subsequent keywords to locate the prior art references. Later date filters were dismissed by the Federal Circuit as “too little too late” because the earlier searches were already infected with hindsight bias. A supplemental search was conducted solely because the searcher knew a target reference was missing, which the Federal Circuit identified as clear evidence of hindsight bias.

Judge Stark’s concurrence clarified that, in applying the skilled searcher test, the patentee must prove both the “findability” of the references themselves and the “discoverability” of the invalidity grounds based on the found references.