

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

DIRTT ENVIRONMENTAL SOLUTIONS LTD,
Appellant

v.

ALLSTEEL INC.,
Appellee

2017-1797

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. IPR2015-
01691.

Decided: July 23, 2018

CHAD EDWARD NYDEGGER, Workman Nydegger, Salt
Lake City, UT, argued for appellant. Also represented by
MICHAEL J. FRODSHAM, DAVID R. TODD.

R. TREVOR CARTER, Faegre Baker Daniels LLP, Indi-
anapolis, IN, argued for appellee. Also represented by
NICHOLAS M. ANDERSON, VICTOR P. JONAS, TIMOTHY M.
SULLIVAN, Minneapolis, MN; JOEL SAYRES, Denver, CO.

Before O'MALLEY, CLEVINGER, and REYNA, *Circuit Judges*.
O'MALLEY, *Circuit Judge*.

DIRTT Environmental Solutions, Ltd. appeals from a final written decision of the Patent Trial and Appeal Board ("Board") in an inter-partes review proceeding, finding that Allsteel Inc. ("Allsteel") had shown by a preponderance of the evidence that claims 1, 4–7, 9, 10, 14–20, and 25 of U.S. Patent No. 8,024,901 are unpatentable under 35 U.S.C. § 103. *Allsteel Inc. v. DIRTT Env'tl. Sols. Ltd.*, No. IPR2015-01691, 2017 WL 379367 (P.T.A.B. Jan. 19, 2017). Because the Board's final written decision addresses fewer than all claims challenged in Allsteel's petition to institute inter-partes review, and the parties have not waived their objections to the Board's failure to address the non-instituted claims, we *vacate* and *remand* to allow the Board to issue a final written decision consistent with *SAS Institute Inc. v. Iancu*, 138 S. Ct. 1348 (2018).

VACATED AND REMANDED

COSTS

No costs.