



As set forth in [part 1 of this article](#)\*, the question of how a real party in interest (RPI) to an *inter partes* review (IPR) is determined has presented challenges and uncertainties for litigants. The RPI analysis is critical for both petitioners and patent owners, as a failure to identify an RPI may result in denial of institution, termination of an instituted trial, or severe estoppel consequences for a petitioner (and its RPIs and privies) in a parallel district court or International Trade Commission (ITC) litigation.

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