

NOTE: This disposition is nonprecedential.

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

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**DIRTT ENVIRONMENTAL SOLUTIONS LTD,**  
*Appellant*

v.

**ALLSTEEL INC.,**  
*Appellee*

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2017-1797

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

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Decided: July 23, 2018

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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.

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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.