

Our Latest Industry Insights

IP File

March 9, 2015

Not So Fast: Split Federal Circuit Panel Sided with PTO on Novel IPR Issues

By: Dan Liu

In *In re Cuozzo Speed Technologies, LLC*,^[1] the first ever appeal of the final written decision from an inter partes review (“IPR”) before the Patent Trial and Appeal Board (“PTAB” or the “Board”),^[2] the Federal Circuit decided two novel and fundamental questions arising under the newly enacted IPR proceedings created by the America Invents Act of 2011 (“AIA”). On both issues, the Federal Circuit agreed with the PTO,^[3] holding (1) institution decisions by the Board are almost never reviewable on appeal, either interlocutory or after the Board’s final written decision, and (2) that the “broadest reasonable interpretation” standard is the proper standard for claim construction in IPR proceedings.^[4]

TAGS: 542 u.s. 367 380 2004, aia, america invents act of 2011, block v. cmtly nutrition inst., bri, broadest reasonable interpretation, cheney v. us district court for the dc, claims construed under the broadest reasonable interpretation standard, federal circuit, in re cuozzo speed technologies, inter partes review, ipr, judge newman, patent litigation, pto, section 316d1, uspto

IP File

August 7, 2014

PTAB Issues First Precedential Opinion in an AIA Post-Grant Proceeding

By: Rex Hwang

PTAB Issues First Precedential Opinion in an AIA Post-Grant Proceeding

TAGS: AIA, CardinalCommerce, CBM, covered business method, infringement, patent, Patent Litigation, post-grant proceedings, precedential decision, PTAB, PTAB, SecureBuy, SecureBuy LLC v. CardinalCommerce Corp.
