

IP File

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Supreme Court Modifies Claim Construction Review Standard

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On Tuesday, the U.S. Supreme Court issued its decision in *Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.* partially modifying the standard of review to be applied by the Federal Circuit when reviewing a district court's construction of a claim term. Prior to *Teva*, the Federal Circuit applied a *de novo* standard for claim construction review. Now, based on the *Teva* decision, the Federal Circuit must apply a "clear error" standard for factual questions, and a *de novo* standard for legal questions when reviewing a claim construction on appeal.

TAGS: claim construction, claim term, clear error standard, *de novo* standard, Federal Circuit, intrinsic evidence, patent claim, Patent Litigation, Phillips, *Teva*, *Teva Pharmaceuticals USA v. Sandoz Inc.*, U.S. Supreme Court