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PRACTICES Mechanical, Patent Litigation, Patent Office Trials, Patents, Trademark and Advertising, Copyright, Intellectual Property

What Brexit May Mean for Your IP Rights in Europe

On June 23, 2016, the people of the United Kingdom voted to leave the European Union (EU). As of today, intellectual property rights have not changed, and EU trademarks, designs, and patents remain valid in the UK. But will the status quo continue?

Changes in IP rights could occur as a result of the UK politically unwinding from the EU, but these changes are unlikely to come into effect before October 2018. In the meantime, businesses should consider the following factors to maximize IP protection while keeping costs in check
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Six Takeaways From the Supreme Court's Big PTAB Decision

On June 20, 2016, The U.S. Supreme Court ruled in an appeal from the first inter partes review proceeding ever decided by the U.S. Patent Trial and Appeal Board. The high court in *Cuozzo Speed Technologies v. Lee* granted the U.S. Patent and Trademark Office leeway to enact reasonable rules giving effect to the America Invents Act. In a unanimous ruling authored by Justice Stephen Breyer, the high court upheld the PTAB's use of a claim construction standard, which is broader than the standard used by federal courts and which patent owners say causes too many patents to be canceled. The Court, here with some division, also ruled that the PTAB's initial decision to institute proceedings is not reviewable on appeal, absent unusual circumstances that the Court did not spell out.
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Supreme Court Tweaks Rules for Attorney Fees in Copyright Cases

On June 16, 2016, the U.S. Supreme Court recalibrated the law of copyright fee shifting, telling the U.S. Court of Appeals for the Second Circuit that it was placing too much weight on the objective reasonableness of parties' litigation positions.

"The court of appeals' language at times suggests that a finding of reasonableness raises a presumption against granting fees," Justice Elena Kagan wrote for a unanimous court in *Kirtsaeng v. John Wiley & Sons,* "and that goes too far in cabining how a district court must structure its analysis."
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TransData Poses Billion-Dollar Issue for Itron, Landis+Gyr

Two trials in East Texas later this year will go a long way in determining whether a total of five separate patent infringement lawsuits from a small Dallas-area company will turn into billion-dollar problems for two of the largest makers of "smart" electric meters in the U.S.

Itron Inc. and Landis+Gyr could face combined exposure of more than $2.88 billion by way of the five separate cases from Carrollton's TransData.
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Post-Grant Review Is Becoming Increasingly Popular

When patents issue with questionable validity, it reflects negatively on the patent system and undermines the confidence businesses have in their investments. Post-grant review allows invalid patents that were mistakenly issued by the U.S. Patent and Trademark Office to be disposed of early in their life, before they disrupt an entire industry or result in expensive litigation. Because PGR has a relatively short, nine-month period for filing a petition, the new proceedings strike a balance between weeding out patents that should have never issued in the first place and protecting the rights of patent owners against endless challenges over the life of a patent.
Read more.