

Haynes and Boone in Law360: Patent Challenge Wins

July 27, 2017 J. Andrew Lowes, Debbie McComas, Clint Wilkins

PRACTICES Intellectual Property Litigation, Patent Litigation, Patent Office Trials, Intellectual Property

Haynes Boone lawyers have prevailed across multiple forums in several patent challenges brought on behalf of client Ericsson Inc., which provides telecom equipment for wireless communications companies. The cases were initiated through the *inter partes* review process, and the Haynes Boone teams have secured wins before the Patent Trial and Appeal Board and the U.S. Court of Appeals for the Federal Circuit.

The cases, which involve patents asserted against for the major wireless phone carriers, have received ongoing coverage in *Law360*.

Partners [J. Andrew Lowes](#) and [Debbie McComas](#) and Associate [Clint Wilkins](#) have handled the following cases:

— A challenge to two patents owned by patent-licensing company Intellectual Ventures involving methods of selecting appropriate bandwidth for a wireless communications system. The Patent Trial and Appeal Board invalidated the patents, and the Federal Circuit [upheld the PTAB decisions](#). The appeals court also [turned down](#) Intellectual Ventures' request to [rehear the case](#) en banc.

— A challenge to an Intellectual Ventures patent for a wireless-communications protocol used in multiple-antenna systems to synchronize a receiver to a transmitter. The PTAB found that the patent was invalid because it was too similar to prior art, and the Federal Circuit [upheld that decision](#). During arguments at the appeals court, Lowes defended the board's ruling, *Law360 reported*: "They're trying to create an embodiment and then read limitations from that embodiment into the claims," he said of Intellectual Ventures. "That embodiment does not exist."

— A challenge to an Intellectual Ventures patent for a wireless communications system designed for use in regions with different communications schemes needing different bandwidths. The PTAB ruled that part of the patent was invalid, and the Federal Circuit [upheld that decision](#).

Since the America Invents Act created *inter partes* review (IPR) and other new procedures for handling patent disputes, lawyers in Haynes Boone's Intellectual Property Practice have been involved in more than 200 proceedings before the Patent Trial and Appeal Board, helping clients protect their patents and invalidate others' claims. According to Docket Alarm, 2017, Haynes Boone has the highest institution rate (95 percent) and the highest final decision rate (97 percent) for canceling claims among the top 20 law firms filing IPRs on behalf of petitioners.