

Tom King in Corporate Counsel: Six Takeaways From the Supreme Court's Big PTAB Decision

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The U.S. Supreme Court on Monday 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 (AIA). 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...

"The Federal Circuit, particularly over the last couple of months, has been trying to make the standards converge as much as possible," said Haynes Boone partner Thomas King.

Excerpted from *Corporate Counsel*. To read the full article, please [click here](#).