

Tom King in Law360: The Top Patent Cases Of 2016 Midyear Report

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PRACTICES Patent Office Trials, Patents, Intellectual Property

The Federal Circuit reversed two decisions invalidating patents under Alice, offering a ray of hope to patent owners, and reassured those challenging patents in America Invents Act reviews that doing so won't gut their arguments in later litigation.

Here's a look at the most significant patent decisions so far this year...

Shaw Industries Group Inc. v. Automated Creel Systems Inc.

America Invents Act reviews have become an extremely popular way for companies to attack patents they have been sued for infringing, and this March decision made clear that accused infringers can use AIA reviews without undermining their case in later litigation...

The Federal Circuit "seems to be applying a very, very narrow concept of estoppel in IPRs," said Thomas King of Haynes Boone LLP. The court held that it only bars petitioners from raising issues the PTAB addressed in the final written decision, meaning the estoppel risk is fairly low.

"That's highly favorable for challengers," he said. "There was a very justified concern that estoppel could attach to any prior art that the petitioner could have brought."

Excerpted from *Law360*. To read the full article, please [click here](#) (subscription required).