

O'Brien in The Hill: Supreme Court to Examine Legality of Patent Reviews

June 12, 2017 David O'Brien

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The Supreme Court on Monday agreed to take a case that could affect the process used for challenging patents in the United States.

The challenge focuses on inter partes reviews, a rule that was created in 2012 as a part of the America Invents Act that allows companies and individuals to challenge patents at the U.S. Patent and Trademark Office (USPTO).

In the case, Oil States Energy Services (OSES) is challenging the constitutionality of inter parte reviews on the grounds that the USPTO reviews deprive patent owners of the right to a jury trial to defend their patents.

Greene's Energy Group LLC, the defendant in the case, says the USPTO is within the bounds of the law in reviewing patent challenges...

[David O'Brien](#), a partner in Haynes Boone's Patent Office Trials Practice Group, said the decision could have a significant impact on technology companies.

"It has traditionally been the electronic companies who are more frequently on the receiving end of patent infringement suits than the giving end," O'Brien said.

Excerpted from The Hill. To read the full article, click [here](#).