

## Phillip Philbin in Law360 on Biggest 2018 Federal Circuit IP Rulings

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**PRACTICES** Patent Litigation, Patents, Intellectual Property

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*Law360* quoted Haynes Boone Partner Phillip Philbin in a report on key Intellectual Property rulings so far in 2018 from the U.S. Court of Appeals for the Federal Circuit.

Among the cases cited was a January en banc ruling in *Wi-Fi One LLC v. Broadcom Corp.* holding that decisions involving the America Invents Act's time-bar provision are appealable. The court held in a 9-4 opinion that when the Patent Trial and Appeal Board finds a petition is timely and institutes a review, the patent owner can challenge that decision on appeal, *Law360* [reported](#).

"It's clearly suggesting that the Federal Circuit is looking at the procedural aspects of appeals coming out of PTAB decisions and how much deference to give the board," said Phillip Philbin of Haynes Boone.

Future cases will determine what else is appealable, but now that the court has held that decisions involving the time bar can be appealed when the board decides to review the patent, one question the court will likely be asked to address is whether decisions not to institute review can likewise be appealed, the report said.

"That would be the next logical step to decide," Philbin said. ...

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