

Robert Ziemian in Law360: Supreme Court IP Recap: Patents

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PRACTICES Intellectual Property, Patents, Patent Litigation

Haynes Boone Partner [Robert Ziemian](#) talked with *Law360* about upcoming cases that could put notable patent issues before the U.S. Supreme Court.

Here is an excerpt:

Dex Media Inc. v. Click-To-Call Technologies LP

Looking ahead to next term, the court in June agreed to hear this case over when appeals are permitted of the Patent Trial and Appeal Board's [PTAB's] decision to institute inter partes review, a critical issue for companies seeking to defeat challenges to their patents.

The Federal Circuit has held that the PTAB's decisions that a petition is not time-barred are subject to appellate review, notwithstanding the AIA's statement that most of the board's decisions to begin a review are not appealable.

The case may have attracted the court's attention as a way to scrutinize the power of administrative agencies, and how much a body like the PTAB is permitted by law to do without any possibility of appellate review.

"I think the reason the Supreme Court took it is largely outside of patent law and the IP world," Robert Ziemian of Haynes Boone said. "Many of the justices are fascinated with testing the limits of administrative agency power. Here's another chance for them to more clearly define that power."

To read the full article, click [here](#). (Subscription required)