

Joseph Matal in World IP Review Discussing Arthrex Case

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Haynes Boone Partner Joseph Matal talked with *World IP Review* about the *U.S. v. Arthrex* case and how little impact the decision is having on procedure at the Patent Trial and Appeal Board.

Below is an excerpt:

Early signs show that *U.S. v. Arthrex* is unlikely to herald a spate of *inter partes* reviews, but may fuel uncertainty around the scope of the acting USPTO director's role, lawyers have told WIPR.

On Monday, the temporary leader of the US Patent and Trademark Office (USPTO), Drew Hirshfeld, rebuffed bids by Google and Solas OLED to overturn the final decisions of the Patent Trial and Appeal Board (PTAB). ...

Joseph Matal, a partner in the IP practice group of Haynes Boone, noted that in the pre-Arthrex era, few rehearing requests identified a clear "misapprehension" by the board or an issue that is worthy of the director's attention.

"That is likely to be just as true of requests for director-only review," he said. ...

Matal said it was unsurprising that Google and Solas OLED met with little success as in both cases, the PTAB decisions were "thoroughly reasoned and were written by some of the board's most highly respected judges."

These decisions, frankly, show why you need a PTAB review in these cases, argued Matal.

"It's unlikely that a jury would have understood even the background technology of AMOLED displays, much less have been willing to grapple with the technical questions raised by whether the claimed features were obvious," he contended.

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