

## Joseph Matal in Westlaw Today: 'Jury Trials Are Not an Adequate Substitute for Patent Validity Review at the PTAB'

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**PRACTICES** Patent Office Trials, Patents, Intellectual Property

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Joseph Matal, Haynes Boone partner and former acting director of the U.S. Patent and Trademark Office, explains why the Patent Trial and Appeal Board's "discretionary denial" policies can be problematic.

The March 2 \$2.2 billion patent infringement verdict in West Texas puts to rest any notion that American industry can simply learn to live with the USPTO's new policy of applying "discretion" to deny validity review of issued patents.

The patents in *VLSI Technology LLC v. Intel Corp.* should have been reviewed by the technical experts at the Patent Trial and Appeal Board, and if they had been, their claims almost certainly would have been cancelled.

The fact that Intel's timely challenges were barred from consideration of their merits, and that a manifestly weak patent went on to secure a ten-figure award, indicates a patent system that is badly out of balance — and that threatens to do serious harm to the American economy.

Excerpted from Thomson Reuters *Westlaw Today*. To read the full article, click [here](#). (Subscription required)