

# UNITED *for* PATENT REFORM

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## **Supreme Court Unanimous Ruling in Cuozzo Case Reaffirms PTO's Broad Authority to Review Questionable Patents**

**WASHINGTON** – *Beth Provenzano, co-chair of United for Patent Reform and vice president for federal government relations at the National Retail Federation, today issued the following statement on the Supreme Court's ruling in Cuozzo Speed Technologies, LLC.:*

“The Supreme Court today reaffirmed the U.S. Patent and Trademark’s Office’s broad authority under the America Invents Act to review the validity of questionable patents. The Court rejected two challenges to the PTO’s *inter partes* review, or IPR, proceeding, upholding the PTO’s use of the broadest reasonable interpretation standard for claim construction and concluding that the PTO’s decision to institute an IPR proceeding is final and not appealable.

“In issuing its opinion, the Court recognized that in enacting the American Invents Act, Congress intended to give the PTO ‘significant power to revisit and revise earlier patent grants.’ The Court also held that the PTO has broad authority to make rules establishing and governing IPRs. It expressly rejected the suggestion that Congress intended IPRs to serve as a replacement for district court proceedings, concluding that IPRs are specialized agency proceedings rather than a surrogate for judicial proceedings in federal court. Instead, the Court held that IPRs have a different, broader purpose than judicial proceedings, concluding that IPRs protect the public’s paramount interest in seeing that patent monopolies are kept within their legitimate scope by reconsidering its original decision to grant the patent application, rather than merely resolving a patent-related dispute between specific parties.

“The Court unanimously rejected the suggestion that the PTO lacked the authority to give a patent claim its broadest reasonable interpretation in an IPR proceeding. In doing so, the PTO recognized that giving a patent claim its broadest reasonable interpretation protects the public by encouraging patent applicants to draft precise and narrow patent claims. Thus, preventing patents from over-monopolizing too much public knowledge and allows for the public to understand the lawful scope of the invention. The Court also rejected any concern raised by the fact that the use of different standards by the PTO and by the federal courts may produce inconsistent results. The Court noted that this possibility—that a district court may find a patent claim to be valid and the PTO may later cancel the claim in its own review—has long been present in the American patent system.”

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