

Supreme Court Upholds Constitutionality of Inter Partes Review and Holds That Petitioners Are Entitled to a Written Decision Addressing All Challenged Claims

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On April 24, the United States Supreme Court issued two opinions about the United States Patent and Trademark Office's ("USPTO") *inter partes* review procedure. First, it upheld the constitutionality of *inter partes* review, holding that a jury trial before an Article III court is not required to reconsider the grant of a patent. Second, it held that when conducting an *inter partes* review, the USPTO must issue a written decision addressing all challenged claims, rather than a narrower set of claims on which the USPTO might have instituted review. Both decisions collectively ensure that defendants in patent litigation and parties interested in challenging blocking patents retain a comparatively efficient way to challenge patent validity. Please read on for more details on each decision.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

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