

## **Askeladden Files Amicus Brief in *Oil States v. Greene's Energy Group***

Argues that IPR and CBM processes play a critical role in improving patent quality.

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New York, NY – Askeladden filed an *amicus curiae* brief this week with the Supreme Court in *Oil States Services, LLC v. Greene's Energy Group LLC*. The brief argues that *inter partes* review (IPR) and covered business method review (CBM) are integral tools for efficiently addressing poor quality patents, and that the Constitution does not require the validity of issued patents be determined by the Federal court system.

In the brief, Askeladden reasons that the Patent Trial and Appeals Board has the power to decide the validity of patents:

This Court has recognized that a non-Article III forum can adjudicate matters of federal law in the first instance when “public rights” are at stake. Although patents have some attributes of private property, patent *validity* is very much a matter of “public right” for Article III purposes. Indeed, just as granting valid patents helps to “promote the Progress of Science and useful Arts,” U.S. Const, Art. I, § 8, cl. 8, so too does the elimination of invalid patents, which harm the public interest by undermining innovation and burdening interstate commerce.

Askeladden filed the brief as part of its Patent Quality Initiative, which seeks to improve patent quality and promote innovation by challenging poor quality patents, addressing questionable patent practices, and regularly filing *amicus* briefs in cases concerning important issues of patent law.

“IPR and CBM proceedings have perceptibly led to a decrease in the assertion of low quality patents,” said Sean Reilly, General Counsel for Askeladden. “These methods of review are essential to protecting innovators and consumers from meritless patent infringement litigation.”

The America Invents Act, passed in 2011, established the IPR and CBM review processes carried out by the Patent Trial and Appeal Board (PTAB).

### **About the Patent Quality Initiative**

Askeladden is an education, information and advocacy organization with the goal of improving the understanding, use and reliability of patents in financial services and other industries. As part of its Patent Quality Initiative, Askeladden strives to promote better patents and patent

holder behaviors by regularly filing amicus briefs, Inter Partes Reviews (IPRs) and engaging in educational activities.