

## **Askeladden Advocates for Ability of Non-Defendant IPR Petitioners to Appeal Adverse PTAB Decisions**

*Submitted amicus brief in support of JTEKT's petition for rehearing en banc at the Federal Circuit*

### **For Immediate Release:**

Date: **September 20, 2018**

Contact: [Press@patentqualityinitiative.com](mailto:Press@patentqualityinitiative.com)

New York, NY — Askeladden filed an amicus brief this week with the United States Court of Appeals for the Federal Circuit in *JTEKT Corp. v. GKN Automotive Ltd.* advocating for *en banc* review to correct the Federal Circuit's standing jurisprudence with respect to the ability of non-defendant *inter partes* review (IPR) petitioners to appeal adverse decisions of the Patent Trial and Appeal Board (PTAB).

In its brief, Askeladden argues that the Federal Circuit's decision in this case conflicts with Supreme Court jurisprudence:

“Congress created the statutory right for a party to the proceeding (such as JTEKT, as petitioner) who is “dissatisfied” with the PTAB’s final written decision in an IPR to appeal that decision to the Federal Circuit. 35 U.S.C. §§ 141(c), 319. The panel’s denial of this statutory right conflicts with Supreme Court precedent that holds that a Court’s denial of a party’s statutory right confers standing on that party, even where there would be no standing in the absence of the statute.”

In July, Askeladden submitted an amicus brief in support of RPX Corporation's petition for certiorari in *RPX Corp. v. ChanBond LLC*, in which the standing of non-defendant IPR petitioners to appeal adverse PTAB decisions is at issue.

Askeladden filed the briefs 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.

Askeladden is represented by Amster Rothstein and Ebenstein LLP.

### **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.