

Askeladden Submits Amicus Brief Supporting RPX's Bid for Supreme Court Review

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

For Immediate Release:

Date: **July 20, 2018**

Contact: Press@patentqualityinitiative.com

New York, NY — Askeladden submitted an *amicus* brief in support of RPX Corporation's petition for Supreme Court review of the Federal Circuit's decision in *RPX v. ChanBond*. In its brief, Askeladden argues that the Federal Circuit's jurisprudence prohibiting non-defendant *inter partes* review (IPR) petitioners from appealing adverse decisions undermines the intent of Congress in the American Invents Act.

As the brief states:

The Federal Circuit's novel standing rule frustrates this important aspect of Congress's system. Specifically, the decision below artificially restricts the right of non-defendant petitioners to appeal the PTAB's adverse rulings to the Federal Circuit through the adoption of an overly narrow reading of Article III standing. But the availability of appellate review in the Federal Circuit is critical to the operation of the IPR process. Congress specifically designed this process to grant any person, not just those faced with actual or likely infringement litigation, certain statutory rights to challenge patents, including the right to appeal an adverse administrative determination, because the success and efficacy of the new scheme depends on ensuring robust participation. See 35 U.S.C. § 319.

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.

Askeladden is represented by Sidley Austin 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.