Federal Circuit Affirms Patent Office's Broadest Reasonable Interpretation Standard for Inter Partes Reviews

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DC Client Alert

Federal Circuit Affirms Patent Office's "Broadest Reasonable Interpretation" Standard for Inter Partes Reviews

By Scott A.M. Chambers, Ph.D. and Matthew D. Zapadka

On February 4, the Federal Circuit approved the use of the "broadest reasonable interpretation" (or "BRI") standard by the Patent Trial and Appeal Board ("PTAB") in inter partes review proceedings ("IPR"). The decision in In re Cuozzo Speed Technologies, LLC is the first to approve applying the BRI standard to construe claim terms of patents at issue in the IPR process adopted by the 2012 America Invents Act ("AIA"). Congress intended the IPR system to "provid[e] quick and cost effective alternatives to litigation" by providing a new administrative proceeding to decide certain issues of patent validity.

Patent Office Launches Patent Quality Initiative

By Scott A.M. Chambers, Ph.D. and Matthew D. Zapadka

The acting Director of the Patent and Trademark Office ("PTO"), Michelle Lee, unveiled on February 5 her plan to improve patent quality, titled the "Enhanced Patent Quality Initiative." Lee, whose nomination to head the PTO is pending before the Senate is launching the Initiative with a "Quality Summit" scheduled for March 25 and 26. The Summit is intended to give the public and patent practitioners the opportunity to comment on present initiatives and make suggestions. Lee had previously announced the appointment of Valencia Martin-Wallace as the PTO's first Deputy Commissioner for Patent Quality.