



Insights: News Releases

Kilpatrick Townsend Wins Closely Watched U.S. Supreme Court Patent Case for Thryv, Inc.

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DALLAS (April 20) -- Kilpatrick Townsend & Stockton announced today that the firm has won a closely watched U.S. Supreme Court patent case on behalf of Thryv, Inc. The case, [Thryv, Inc. v. Click-To-Call Technologies](#), No. 18-916, was argued on December 9, 2019 by Kilpatrick Townsend partner [Adam Charnes](#), and was considered one of the top cases at the high court to watch this term according to legal experts. In addition to Mr. Charnes, Kilpatrick Townsend's [Mitchell Stockwell](#), [Amanda Brouillette](#), and [Jason Steed](#) represent Thryv, Inc.

Today, the U.S. Supreme Court held that decisions ruling that an *inter partes* review petition was timely filed cannot be appealed from the Patent Trial and Appeal Board (PTAB). The Court's 7-2 decision states that because the America Invents Act asserts that a PTAB decision instituting review are final and nonappealable, the lower court should not have ruled that appeals on the time-bar issue are allowed since it is not certain that Congress meant to prohibit them.

This ruling, written by Justice Ginsburg, provides that the 35 U.S.C. §314(d) bar on judicial review of the agency's decision to institute *inter partes* review precluded appeal of the PTAB application of §315(b)'s time bar. The Court held that application of the time bar "is closely related to its decision whether to institute *inter partes* review and is therefore rendered nonappealable by §314(d)." In so doing, the high court overturned the Federal Circuit's en banc decision in *Wi-Fi One, LLC v. Broadcom Corp.*, 878 F.3d 1364, 1367 (2018).

Justice Gorsuch dissented, joined in part by Justice Sotomayor, asserting that the majority's decision "carries us another step down the road of ceding core judicial powers to agency officials and leaving the disposition of private rights and liberties to bureaucratic mercy."

The obvious takeaway from today's decision is that §314(d) means what it says, "The determination by the Director whether to institute an *inter partes* review under this section shall be final and nonappealable."

For additional background on this case, please click [here](#).

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