Insights: News

Justin Krieger Quoted in Law Week Colorado re: "Federal Circuit Breaks, Fixes PTAB"

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The Patent Trial and Appeal Board got a Halloween scare when a federal appeals court found its judge appointment framework unconstitutional. But to the relief of the PTAB, and the companies that rely on PTAB proceedings to litigate patent issues, the fallout might be minimal.

In a decision published Oct. 31, a panel at the Federal Circuit Court of Appeals determined that the way the PTAB appointed its administrative patent judges violated the U.S. Constitution's Appointments Clause. But instead of striking down the entire statute that established the PTAB, the court severed a portion of it to make the judges easier to remove.

Related People



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