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# Supreme Court's *Arthrex* Decision Creates More Review for Patent Owners — And More Questions

*Medical Design & Outsourcing*

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The U.S. Patent and Trademark Office's inter partes review procedure is a popular avenue for challenging the validity of a patent outside of litigation. These procedures are overseen by a panel of three administrative patent judges (APJs) on the Patent Trial and Appeal Board (PTAB) at the Patent Office. In *United States v. Arthrex*, the Supreme Court ruled that the "unreviewable authority" of APJs to conduct adversarial proceedings for challenging the validity of a patent violated the Constitution's Appointments Clause. The Supreme Court also ruled that the appropriate remedy was to give the director of the Patent Office the discretion to review those APJ decisions.

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