



Insights: Perspectives

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On April 20, 2020, the U.S. Supreme Court handed down a 7-2 [decision](#) in favor of long-time Kilpatrick Townsend client, Thryv, Inc. A multidisciplinary team of 15 attorneys and paralegals, led by partner [Adam Charnes](#) who argued the case in the Supreme Court, helped Thryv win this closely-watched case.

The case, *Thryv, Inc. v. Click-To-Call Technologies*, No. 18-916, was of great interest to the patent law community because it clarified the finality and non-reviewability of certain decisions by the Patent Trial and Appeal Board (PTAB). In its ruling, the Supreme Court held that a PTAB decision on whether an *inter partes* review (IPR) petition was timely filed is final and cannot be appealed. The decision, written by Justice Ginsburg, notes that the time bar “is closely related to [PTAB’s] decision whether to institute *inter partes* review and is therefore rendered nonappealable by §314(d)” of the America Invents Act – the statute that governs IPRs. The Court also made clear that the bar on appeals is not limited to timeliness determinations but “extends to challenges grounded in statutes related to the institution decision.”

This ruling caps an 8-year battle between the parties. In 2012, Click-To-Call filed a lawsuit against

YellowPages.com, now a part of Thryv, alleging that it infringed on its anonymous phone call system patent. The next year, YellowPages.com requested that PTAB review the patent in question, but Click-To-Call claimed that YellowPages.com’s IPR petition was time-barred. PTAB disagreed and instituted the requested IPR. Click-To-Call’s appeal of PTAB’s decision eventually led to the showdown at the Supreme Court.

The successful outcome of this case required years of dedicated work by a large, collaborative team of lawyers from different Kilpatrick Townsend practice areas and offices. **Mitch Stockwell** handled the case in the PTAB and the Federal Circuit, and, in addition to Adam and Mitch, the team responsible for the Supreme Court briefing and oral argument preparation included **Amanda Brouillette**, **Jason Steed**, **Jake Edwards**, and former Counsel **Thurston Webb**, with invaluable assistance from **Elba Smith**, **Brooke Floyd**, and **Jim Hefferan**.

The case was widely reported in the press, with Kilpatrick Townsend prominently recognized for its successful representation of Thryv.

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