



## Supreme Court Corner Q4 2017

### Intellectual Property and Technology News

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By: Stan Panikowski | Brian Biggs

#### ***OIL STATES ENERGY SERVICES, LLC V. GREENE'S ENERGY GROUP, LLC***

**PATENT** – Argument: November 27, 2017

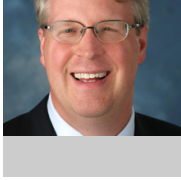
**Issue:** *Whether inter partes review before the PTAB violates the Constitution by extinguishing private property rights through a non-Article III forum without a jury trial.*

The America Invents Act created the inter partes review (IPR) process, whereby a third party may request review of any patent by the PTAB. If the USPTO determines "there is a reasonable likelihood that the petitioner would prevail with respect to at least one of the claims challenged," the petition may be instituted, and a three-judge panel may issue a final written decision on the validity of some or all of the challenged claims.

### AUTHORS



**Stan Panikowski**  
Partner



San Diego (Downtown) | T: +1 619 699 2700  
[email protected]

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**Brian Biggs**  
Associate  
Wilmington | T: +1 302 468 5700  
[email protected]

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