
WilmerHale Earns Win for Unified Patents at PTAB

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On May 19, 2017, WilmerHale achieved a significant victory on behalf of Unified Patents Inc. when the Patent Trial and Appeal Board (PTAB) issued its final written decision in *Unified Patents Inc. v. American Vehicular Sciences, LLC*, holding unpatentable all challenged claims of US Patent [No.] 9,043,093. The '093 patent, which is owned by Acacia Research, has been asserted against American Honda Company, Nissan Motor Company, Hyundai Motor Company, and Toyota Motor Corporation; that litigation has been stayed pending the outcome of PTAB proceedings.

WilmerHale filed a petition for *inter partes* review on behalf of Unified on December 17, 2015, challenging 10 claims of the '093 patent. The petition included two grounds, both based on obviousness. The PTAB instituted review of all challenged claims under each ground.

The patent owner tried unsuccessfully to demonstrate alleged deficiencies of the individual references. The PTAB, however, agreed with WilmerHale that non-obviousness cannot be established by attacking references individually where the ground of unpatentability is based upon the teachings of the combined references.

[David Cavanaugh](#), chair of the firm's [Post-Grant Patent Proceedings Group](#), and Special Counsel [Daniel Williams](#) represented Unified in this matter.