
Can an Industry Group Appeal an Unfavorable IPR Decision?

DECEMBER 1, 2017

An article by Intellectual Property Department Chair Don Steinberg and Associate Vera Shmidt, published in Bloomberg Law's *Patent, Trademark and Copyright Journal* on November 24, 2017.

This article discusses the notion of an industry group, whose members are among those threatened by a patent owner, appealing an unfavorable final written decision from the Patent Trial and Appeal Board—something the courts have yet to address.

Excerpt: Patent owners, both those practicing their invention and non-practicing entities (NPEs), often approach companies they believe are infringing their patent rights. The patent owners threaten lawsuits if the companies do not stop selling certain products or demand a license with a threat of a lawsuit if no agreement is reached. If the companies are unable to reach an agreement with the patent owner, they often turn to invalidation proceedings, such as inter partes reviews (IPRs), covered business method (CBM) proceedings, or post grant reviews (PGRs). [Read the full article.](#)