



In The Press: Askeladden Continues to Advocate for the Ability of Non-Defendant IPR Petitioners to Appeal Adverse PTAB Decisions

New York, NY — Askeladden filed an amicus brief today with the United States Supreme Court in *JTEKT Corp. v. GKN Automotive Ltd.* advocating for the Court to review and correct the Federal Circuit’s standing jurisprudence with respect to the ability of non-defendant inter partes review (IPR) petitioners to appeal adverse decisions of the Patent Trial and Appeal Board (PTAB).

In its brief, Askeladden argues that the Federal Circuit’s decisions conflict with Supreme Court jurisprudence:

“The Federal Circuit failed to consider the Congressionally defined injury-in-fact in 35 U.S.C. §319, namely, a party being ‘dissatisfied’ with the PTAB’s final written decision. The Federal Circuit also failed to address whether this definition promulgated by Congress exceeds the constitutional limits of Article III standing. . . .These omissions are significant. Spokeo explains that Congress can define an intangible injury that is sufficient to give Article III standing to a party in a proceeding to participate in a challenge to an adverse decision, even where standing would not exist but for Congress’ definition.”

In September, Askeladden submitted an amicus brief in support of JTEKT’s petition for en banc review at the Federal Circuit. In July, Askeladden submitted an amicus brief in support of RPX Corporation’s petition for certiorari in *RPX Corp. v. ChanBond LLC*, in which the standing of non-defendant IPR petitioners to appeal adverse PTAB decisions is at issue.

Askeladden filed the briefs as part of its Patent Quality Initiative, which seeks to improve patent quality and promote innovation by challenging poor quality patents, addressing questionable patent practices, and regularly filing amicus briefs in cases concerning important issues of patent law.



Askeladden is represented by Amster Rothstein and Ebenstein LLP.

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