



Article III standing in appeals from inter partes review proceedings to the US Court of Appeals for the Federal Circuit

Author(s): Charles R. Macedo, Chandler Sturm, James Howard*

Journal of Intellectual Property Law & Practice, jpy115, <https://doi.org/10.1093/jiplp/jpy115>

Abstract

- US Congress gave any person other than the patent owner the rights to petition the government to take a second look at a previously issued patent in an inter partes review (IPR) proceeding, and if dissatisfied with the decision, to appeal, and be a party in such an appeal, to the US Court of Appeals for the Federal Circuit (Federal Circuit).

- In January 2018, the Federal Circuit issued an order in RPX Corp. v. ChanBond LLC, representing only the latest decision in which the court misapplied the law of standing in the context of an appeal by a statutorily authorized petitioner, who meets the defined injury-in-fact, in a post-issuance proceeding before the Patent Office.

- Thus, we suggest that the US Supreme Court accept RPX's petition for a Writ of Certiorari to clarify the law of standing for petitioners on appeal from an adverse final written decision in an IPR.

[Full Article](#)