"What Standard Should the Patent Trial and Appeal Board Apply in Interpreting Patent Claims During Inter Partes Review? Is the Institution of Inter Partes Review Ever Appealable?" ABA Supreme Court Preview

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In the ABA Supreme Court Preview, Kean J. DeCarlo and Russell B. Dunlap review Cuozzo Speed Technologies v. Lee, currently before the U.S. Supreme Court. At issue is whether the Patent Trial and Appeal Board (PTAB) should continue to apply the "broadest reasonable interpretation" standard for patent claim construction during inter partes review, or the "ordinary and customary meaning" standard. The article by Mr. DeCarlo and Mr. Dunlap examines the facts of the case and the arguments of both sides.