



US Supreme Court upholds constitutionality of inter partes review

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Abstract

Oil States Energy Services, LLC v Greene's Energy Group, LLC, 138 S Ct 1365 (US 2018), 24 April 2018

In *Oil States Energy Services, LLC v Greene's Energy Group, LLC*, the US Supreme Court addressed a constitutional challenge to inter partes review, the process through which the US Patent and Trademark Office may reconsider and cancel patent claims that were previously issued. In a 7–2 decision, the court upheld the constitutionality of inter partes review, focusing on the consideration of patents as a 'public right'.

The US Supreme Court accepted a petition for certiorari on the question of 'whether inter partes review—an adversarial process used by the Patent and Trademark Office (PTO) to analyse the validity...

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