



Charley Macedo, David Goldberg and Chandler Sturm Co-Author Article for Oxford University Press's Journal of Intellectual Property Law & Practice on Appellate Decision Finding That Administrative Patent Judges Were Unconstitutionally Appointed

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Charley Macedo, David Goldberg and Chandler Sturm [co-authored an article](#) for *Oxford University Press's Journal of Intellectual Property Law & Practice* on an appellate decision that found that administrative patent judges were unconstitutionally appointed. This case was the subject of multiple appeals to the U.S. Supreme Court

On October 31, 2020, a three-judge panel of the U.S. Court of Appeals for the Federal Circuit issued a decision in *Arthrex, Inc. v Smith & Nephew, Inc.* finding that administrative patent judges of the Patent Trial and Appeal Board were appointed in violation of the Appointments Clause of the US Constitution and instituting measures to remedy the situation.

On March 23, 2020, the Federal Circuit refused to rehear the case sitting en banc. Since then, the panel decision has become the subject of multiple appeals to the US Supreme Court. We expect to learn in early autumn whether the U. S. Supreme Court decides to grant certiorari with respect to any of the appeals and review this important decision.

[Read the full article.](#)