



IP News Alert

BREAKING NEWS

INTER PARTES REVIEW IS CONSTITUTIONAL: OIL STATES ENERGY SERVICES, LLC V. GREENE'S ENERGY GROUP, LLC

April 2018

The Supreme Court held, in *Oil States Energy Services LLC v. Greene's Energy Group, LLC*, that inter partes review does not violate Article III of the United States Constitution. According to the Court, grant of a patent falls within the “public-rights doctrine,” which “arises between the government and others,” and, therefore, does not require “judicial determination.”

The Court dismissed the fact that inter partes review occurs after a patent has been granted, as well as several 19th-century decisions by the Supreme Court recognizing patent rights as the “private property of the patentee.” According to the Court, traditional adjudication by the courts of patent validity does not control this decision. The Court said their decision was “narrow” and, therefore, “should not be misconstrued as suggesting that patents are not property for purposes of the Due Process Clause and Takings Clause” of the Constitution. Finally, the Court asserted that the 7th Amendment guarantee of a right to a jury trial is not violated by inter partes review.

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