

---

*Cuozzo Speed Techs., LLC v. Lee*, No. 15-446

In 2011, Congress enacted the Leahy-Smith America Invents Act, which created a new adjudicatory process for challenges to the validity of patents. Under the new process, a person other than the patent owner may petition the Patent Trial and Appeal Board of the Patent Trademark Office (the Board) to review the validity of a patent by instituting an adversarial proceeding known as "*in partes* review" (IPR). 35 U.S.C. §§ 311–314. The statute

provides that the Board's decision whether to institute IPR "shall be final and nonappealable." *Id.* § 314(d). In

*Cuozzo Speed Techs., LLC v. Lee*, No. 15-446, the Supreme Court granted review to consider two important

questions concerning the IPR process. First, the Court will consider whether the Board's decision to institute IPR is

judicially unreviewable even when the Board has exceeded its statutory authority. Second, the Court will decide

whether the Board should construe the claim in an issued patent according to its plain and ordinary meaning, as a

federal court would do, or whether it may employ a claim construction standard that gives patents their broadest

reasonable interpretation, as the Federal Circuit held was appropriate.