SAS Institute Inc. v. Lee, No. 16-96

The Leahy-Smith America Invents Act permits third parties to ask the U.S. Patent and Trademark Office to reexamine claims in a patent that has already been issued—a process called "*inter partes* review." Today, the Supreme Court agreed to decide whether, in conducting such a review, the Patent Trial and Appeal Board must "issue a final written decision as to every claim challenged by the petitioner," or whether it may "issue a final written decision with respect to the patentability of only some of the patent claims challenged by the petitioner." In the proceedings below, SAS petitioned for *inter partes* review of 16 claims held by ComplementSoft. The Board reviewed only four of the claims and issued a written decision as to those four. The Federal Circuit held that this partial written decision was permissible.