

In The News

Timothy Sendek Explains U.S. Supreme Court's Decision in *Thryv Inc. v. Click-to-Call Technologies LP* in *Law360* Article

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Timothy Sendek wrote an article for *Law360* explaining the U.S. Supreme Court's decision in *Thryv Inc. v. Click-to-Call Technologies LP*, which ultimately gave inter partes reviews (IPRs), a tool used to invalidate U.S. patents, more power.

“The majority in *Thryv* held that decisions of the Patent Trial and Appeal Board of the U.S. Patent and Trademark Office to institute IPRs cannot be reviewed on appeal to determine whether the PTAB properly applied the America Invents Act's time-bar provisions. *Thryv* enhances the importance of decisions labeled ‘precedential’ and ‘informative’ by the PTAB's regular and expanded panels as well as all decisions of the Precedential Opinion Panel.

These internal procedures and constructs at the PTAB appear now to be the primary, perhaps only, mechanism that can guide a consistent application of institution guidance for not only questions of the time bar, but also joinder determinations, real party in interest identification, or any other nonmerits rationale for noninstitution.”

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