Banner Witcoff Attorney Blair Silver Quoted on U.S. Supreme Court Ruling in Return Mail

A publication covering the pharmaceutical industry, sought out Banner Witcoff attorney Blair A. Silver for insight on the U.S. Supreme Court's June 10 decision in Return Mail Inc. v. U.S. Postal Service.

The court, in a 6-3 decision, held that a federal agency is not a "person" able to seek inter partes review, post grant review, or covered business method review of an issued patent.

A June 10 article published by Pink Sheet notes that Blair authored an amicus brief in the case on behalf of the American Intellectual Property Law Association (AIPLA). The high court's decision is consistent with the position the AIPLA took in its amicus brief.

"I do not think the Return Mail decision will move the needle very much because federal agencies make up a minority of petitioners every year, and federal agencies can still litigate patent validity in the U.S. Court of Federal Claims if sued for infringement or file ex parte reexamination requests with the Patent Office," Blair told the publication.

The article, "Patent Owners Have One Less Adversary as Supreme Court Bars Government From Filing IPR Petitions," is available online to subscribers.

Blair also authored a Banner Witcoff IP Alert recapping the ruling. Click here to read his article, "Supreme Court: Government Agencies Cannot Petition for AIA Reviews."

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