Westlaw IP Journal Quotes Blair Silver on SCOTUS Arguments in Arthrex Case

Banner Witcoff attorney Blair Silver weighed in on the oral argument in United States v. Arthrex Inc. for an article recently published in the Westlaw Journal Intellectual Property.

The U.S. Supreme Court held oral argument on March 1 in the case, which asks the justices to decide if the Patent Trial and Appeal Board's (PTAB) process for appointing administrative patent judges (APJs) is constitutional.

Blair told the publication that although most of the justices seemed to agree with the Federal Circuit that APJs are unconstitutionally appointed, "they seemed wary of the drastic remedy sought by Arthrex of dismantling the PTAB and overturning the current system."

He added, "The court may be poised to strike portions of the statute in a surgical manner by giving the USPTO director authority to directly review decisions of the APJ panels."

The article that quotes Blair — "Supreme Court's appointments clause ruling will keep PTAB intact, lawyers predict" — is available in the March 10 issue of Westlaw Journal Intellectual Property.

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