

AIA Case at High Court May Be about More Than Patents

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Erik Paul Belt

Agreeing to consider whether the federal government can challenge patents in America Invents Act reviews, the U.S. Supreme Court is in position to use a narrow patent law issue to make a broader statement about the power of government agencies.

The Supreme Court on Friday granted a petition for writ of certiorari by Return Mail Inc., a small Alabama company whose patent on a system for handling undeliverable mail was invalidated after being challenged by the U.S. Postal Service.

Erik Belt, a partner at McCarter & English LLP, said at first glance Return Mail's case wouldn't appear to have a wide enough impact to warrant interest from the Supreme Court. He suggested the justices may want to use the case to make a larger statement about agency power and the definition of "person."

"It might be an avenue to say something more, which will affect a broader swath of people," he said.