

Tech Company's Post-Review Patent Fix Shows Need for Early Care

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A patent owner's correction of a "clerical error" months after the Patent Trial and Appeal Board's final decision in an IPR could not prevent cancellation of the patent. Although the correction may have saved the patent if done sooner, the Board held that the correction did not have a retroactive effect. The Board's decision highlights the need for attention to detail both during the patent application process and early in the IPR process.

"I think the bigger picture is working with practitioners who are intimately familiar with the law and its nuances is important to get the best outcome," said Kia Freeman, an intellectual property attorney at McCarter & English LLP.