



Patents: Can they be Invalidated?

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Q Can a patent issued by the United States Patent and Trademark Office be invalidated?

A Yes. U.S. patents can be invalidated in a number of ways. If you are threatened with suit, you can challenge patent validity in federal court. The America Invents Act (“AIA”) also introduced several additional options for challenging the validity of patents issued in the United States, including “Post-Grant Review,” which can be used to challenge patent validity on many grounds. Another AIA option, “Inter Partes Review,” is limited to challenging patents using prior art-based challenges, but has also proved popular among companies seeking to invalidate specific patents. To learn more about these and other methods for challenging a patent’s validity, consult with an experienced patent attorney, who can explain your options.
