



Patent Infringement

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Q Our competitor says our new product infringes their patent. We want to prove their patent is invalid. Are there alternatives to going to court?

A In some situations, yes. The United States Patent and Trademark Office (“PTO”) provides a number of alternative proceedings to challenge a patent’s validity that may be more cost-effective than challenging the patent in court. Even if you have already been sued, many courts will put the case on hold once such PTO proceedings are instituted, until those proceedings are complete. Not all invalidity challenges are eligible for the PTO proceedings, however (and related lawsuits will be not always be put on hold). An experienced patent litigator can help you evaluate and consider the options available to you in your specific situation.