

## VLP Partner David Thibodeau Quoted in the Law360 Article “Recent PTAB Decisions Attorneys Should Know”

VLP Partner David Thibodeau was quoted in the *Law360* article “Recent PTAB Decisions Attorneys Should Know.”

As the title indicates, the article reviewed recent decisions issued by the Patent Trial and Appeal Board (PTAB) that attorneys should be aware of.

The article noted that, in recent months, the PTAB has severely limited the value of sovereign immunity in reviews at the board and laid out specific parameters for how multiple challenges to the same patent will be evaluated.

One of the significant decisions mentioned in the article, *General Plastic Industrial Co. Ltd. v. Canon Kabushiki Kaisha*, used a dispute between General Plastic and Canon over patents for toner supply cartridges to address what has been a sore spot for patent owners: the use of multiple petitions to challenge the same patent. The article noted that the decision is important because it outlined seven factors that will be used as a baseline for the board when determining whether to reject petitions that follow a decision in an earlier case.

"This precedential opinion is another indication of possible significant changes in PTAB practice that might eventually make things fairer for patent owners," Mr. Thibodeau told *Law360*.

Another case cited in the article was *Coalition for Affordable Drugs VI LLC v. Celgene Corp.* In this case the PTAB, after finding a patent related to Celgene Corp. cancer drugs was invalid as obvious, granted a rehearing and upheld one of the patent's claims. Mr. Thibodeau said the case demonstrates the value of obtaining a variety of claims and defending them on an individual basis.

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