

USA: DSS Technology Management, Inc. v. Apple Inc., United States Court of Appeals, Federal Circuit, No. 2016-2523, 23 March 2018

Kluwer Patent Blog

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Two final decisions of the Patent Trial and Appeal Board—each finding that certain apparatus claims of a wireless communication network owned by DSS Technology Management were invalid as obvious—have been reversed by the U.S. Court of Appeals for the Federal Circuit, because the Board failed to provide a sufficient explanation for its findings, and a more reasoned explanation could not be gleaned from the record. The Board failed to explain why it would have been obvious to a skilled artisan to modify the base station transmitter claimed in a prior art patent to be “energized in low duty cycle RF bursts,” as required by the challenged claims. Circuit Judge Pauline Newman filed a dissenting opinion (DSS Technology Management, Inc. v. Apple Inc., March 23, 2018, O’Malley, K.).

A full summary of this case has been published on [Kluwer IP Law](#).