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Patent case: Thryv, Inc. v. Click-to-Call Technologies LP, USA

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Monday, August 1st, 2022

Expanding on its 2016 *Cuozzo* decision, the U.S. Supreme Court holds that the “no appeal” provision of 35 U.S.C. § 314(d) precludes judicial review of the agency’s application of Section 315(b)’s time bar.

In a 7-2 decision, the U.S. Supreme Court has held that Section 314(d) of the Patent Act precludes judicial review of the agency’s application of Section 315(b)’s time prescription because the time bar decision is “closely related” to the decision to institute inter partes review. Writing for the majority, Justice Ginsburg explained “there is no need to venture beyond *Cuozzo*’s holding that §314(d) bars review at least of matters ‘closely tied to the application and interpretation of statutes related to’ the institution decision.” A decision of the U.S. Court of Appeals for the Federal Circuit—holding that the Patent Trial and Appeal Board lacked jurisdiction to institute inter partes review of a telephonic patent owned Click-to-Call Technologies because *Thryv, Inc.*’s petition was time-barred under Section 315(b)—has been reversed. Justice Gorsuch, in a dissenting opinion joined by Justice Sotomayor, expressed strong disagreement with the majority’s interpretation of Section 315(b) as “another step down the road of ceding core judicial powers to agency officials and leaving the disposition of private rights and liberties to bureaucratic mercy” (*Thryv, Inc. v. Click-to-Call Technologies LP*, April 20, 2020, Ginsburg, R.).

Case date: 20 April 2022

Case number: No. 18-916

Court: Supreme Court of the United States

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

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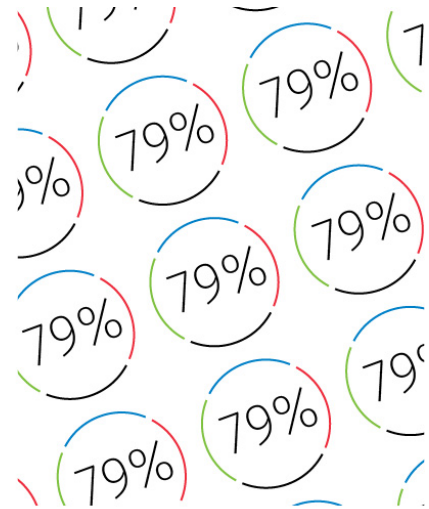
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