

Law Article May Spark Patent Litigation Strategy

An abstract graphic on the right side of the header, featuring a light blue background with a grey grid pattern and a white, curved, ribbon-like shape.

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IP Law 360 quotes Francis Morrison in a May 15, 2008 article by Jacqueline Bell on the validity of the appointments of a number of patent appeals judges. The controversy stems from a recent article authored by George Washington University Law School professor John F. Duffy, which raises the notion that a significant number of patent appeals judges may have been unconstitutionally appointed. “There’s going to be a problem. If you have a pending appeal from that board now and you don’t like the decision, you’re probably going to raise it because you can’t afford not to,” said Francis Morrison, intellectual property partner at Axinn. “If you like the decision you got, you’re going to have to figure out what to do about it because it’s probably going to get raised against you.”

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