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The Most-Read IP Law360 Guest Articles Of 2025

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Shifting U.S. Patent and Trademark Office policy was one of the top intellectual property topics tackled in Law360's Expert Analysis section this year, along with the intersection of artificial intelligence and fair use, and the patent-drafting implications of new Federal Circuit rulings.

Jan. 29, 2025

Fed. Circ. Inherency Ruling Refines Obviousness FrameworkThe Federal Circuit's December 2024 decision in *Cytiva v. JSR* has definitively eliminated the requirement of "reasonable expectation of success" analysis for inherent properties in obviousness determinations, while providing some key clarifications for patent practitioners, says Lawrence Kass at Steptoe LLP.

Nov. 4, 2025

New IPR Rules Will Require A Patent Litigation Strategy ShiftThe U.S. Patent and Trademark Office recently transformed the way it considers petitions for inter partes review, in a move that swings the pendulum in favor of patent owners, making it important for litigants to reassess the role of IPRs in their litigation strategy, say attorneys at Thompson Hine LLP.

Feb. 19, 2025

3 Potential Developments That May Alter US Patent RightsThe Federal Circuit's upcoming decision in *EcoFactor v. Google*, pending legislation before Congress and the appointment of a new U.S. Patent and Trademark Office director all have significant potential to strengthen or weaken patent rights, say attorneys at McKool Smith.

March 5, 2025

Patent Prosecution Length Has Surprising Impact On Invalidity

Though practitioners might hypothesize that patents with longer prosecution histories are less likely to have inherent validity problems, a statistical analysis of over 89,000 patents involved in litigation suggests otherwise, say attorneys at Baker Botts LLP.

Nov. 12, 2025

The Rise Of Trade Secret Specificity As A Jury Question

Recent federal appellate court decisions have clarified that determining sufficient particularity under the Defend Trade Secrets Act is a question of fact and will likely become a standard jury question, highlighting the need for appropriate jury instructions that explicitly address the issue, says Amy Candido at Simpson Thacher & Bartlett LLP.

July 18, 2025

New PTAB Denial Processes Grow More And More ConfusingGuidance from the U.S. Patent and Trademark Office about the Patent Trial and Appeal Board's new workload management and discretionary denial processes has been murky and inconsistent, and has been further muddled by the acting director's seemingly contradictory decisions, say attorneys at Finnegan Henderson Farabow Garrett & Dunner LLP.

July 1, 2025

Google Damages Ruling Offers Lessons For Testifying ExpertsThe Federal Circuit's recent decision in *EcoFactor v. Google* represents a shift in how courts evaluate expert testimony in patent cases, offering a practical guide for how litigators and testifying experts can refine their work, says Adam Rhoten at Secretariat Advisors LLC.

March 18, 2025

How Fed. Circ. Ruling Complicates Patent Infringement CasesThe Federal Circuit's decision last month in *Kroy IP Holdings v. Groupon* may make defending patent infringement claims more challenging, time-consuming and expensive — but it has also complicated similar patent infringement proceedings involving the same patents and their appeals, say attorneys at Norton Rose Fulbright.

Feb 28, 2025

What Reuters Ruling Means For AI Fair Use And CopyrightA Delaware federal court's recent decision in *Thomson Reuters v. ROSS Intelligence* is not likely to have lasting effect in view of the avalanche of artificial intelligence decisions to come, but the court made two points that will resonate with copyright owners who are disputing technology companies' unlicensed use of copyright-protected materials to train generative AI models, says David Ben-Meir at Ben-Meir Law Group.

Sept. 10, 2025

Patent Claim Lessons From Fed. Circ.'s Teva DecisionThe Federal Circuit's recent decision in *Janssen v. Teva* is an important precedent for parties drafting patent claims or litigating obviousness where the prior art has potentially overlapping ranges for a claimed element, and may be particularly instructive to patent applicants in the pharmaceutical field, say attorneys at Cooley LLP.

July 25, 2025

IPR Decisions Clarify Stewart's 'Settled Expectations' FactorRecent discretionary denial decisions from U.S. Patent and Trademark Office acting Director Coke Morgan Stewart have begun to illuminate the contours of her "settled expectations" doctrine, informing when it might be worth petitioning for inter partes review if the patent at issue has been in force for a few years, say attorneys at Morgan Lewis & Bockius LLP.

Sept 15, 2025

Fed. Circ. Rulings Refine Patent Claim Construction Standards

Four Federal Circuit patent decisions this year clarify several crucial principles governing patent claim construction, including the importance of prosecution history, and the need for error-free, precise language from claims drafters, say attorneys at Taft Stettinius & Hollister LLP.

Aug. 12, 2025

The Patent Eligibility Eras Tour: 11 Years Of Post-Alice TumultA survey of recent twists and turns in patent eligibility law highlights the confusion created by the U.S. Supreme Court's 2014 Alice decision and reveals that the continually shifting standards have begun to diverge in fundamental ways between the Federal Circuit and the U.S. Patent and Trademark Office, says Michael Shepherd at Fish & Richardson PC.

Nov. 26, 2025

A Redirection For AIA Proceedings Under New USPTO DirectorA recent U.S. Patent and Trademark Office memorandum implementing a bifurcated process for determining whether to institute an inter partes review or post-grant review, and the new director's subsequent notice of proposed rulemaking with additional limitations on the use of IPRs, may significantly affect patent litigation strategies, say attorneys at Sterne Kessler Goldstein & Fox PLLC.

Aug. 19, 2025

A Former PTAB Judge Weighs The End Of Remote Hearings

Former Patent Trial and Appeal Board Judge Amanda Wieker, now at McGuireWoods LLP, examines the costs and benefits of the PTAB's impending in-person hearing requirement, and offers suggestions for making the most out of this new regime.

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