

Patent Office Leader Rejects IPRs Based on 12-Year Wait

Media Mentions

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Acting US Patent and Trademark Office Director Coke Morgan Stewart recently turned away a series of challenges to a medical device company's patents, determining the petitioner should have disputed them much earlier. Stewart's decision is based on a new form of discretionary denial.

"To my knowledge, this is the first time an [inter partes review] has been discretionally denied because of the age of the patent," Bracewell's **Kit Crumbley** told *Law360*.

An accused infringer has one year to file a petition for inter partes review after being sued for infringement. Absent such litigation, the America Invents Act does not have a set time period by which a petition must be filed after learning of possible infringement.

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Christopher "Kit" L. Crumbley

Partner

AUSTIN

+1.512.244.3621

kit.crumbley@bracewell.com

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