

Nate Kelley Quoted in Law360—10 Years Later, the AIA Is Not Done Reshaping Patent Law

Nate Kelley was quoted in "[10 Years Later, the AIA Is Not Done Reshaping Patent Law](#)," an article in *Law360*,* regarding how the America Invents Act (AIA) has reshaped the patent world.

"With the AIA, we've really seen a shift in plaintiffs' strategy and focus," said Perkins Coie LLP.

The resulting influx of patent challenges by accused infringers has led patentees to reconsider their approaches to litigation. That can include being more strategic about the claims they assert, alleging infringement of a greater number of patents to "defuse the PTAB option," and filing suit in venues that are unlikely to stay infringement cases for AIA reviews, Lori said.

Nathan Kelley of Perkins Coie, a former USPTO solicitor and acting chief PTAB judge, said the biggest change brought about by the AIA is how much control the director has over the patent system, between claiming the power to decide when AIA reviews can be instituted and the recent Supreme Court decision giving the director the ability to review the board's decisions.

"If the PTO is correct about the scope of its discretion, I would say the director has become the most powerful person in patent law," he said. "The spotlight is on how the director will choose to yield their discretion moving forward, and the stakes are really high."

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