



Customer of Party Sued for Infringement Does Not Have Standing to File Covered Business Method Review

Aug 13, 2015

Reading Time : **1 min**

By: Rubén H. Muñoz

Under § 18(a)(1)(B) of the AIA, a party may not file a petition for CBMR unless the party or its “real party in interest or privy has been sued for infringement of the patent or has been charged with infringement under the patent.” In its petition, Acxiom argued that it was a privy of one or more parties who had been sued for infringement.

The PTAB, however, held that Acxiom lacked standing to file the CBMR petition. The PTAB noted that “the fact that Ford has been sued for infringement . . . does not thereby confer standing on every privy, or customer, of Ford [I]n order to confer standing on Acxiom, the party sued must be a privy of Acxiom, not the converse.” Because Acxiom was a customer of the party charged with infringement, and not the other way around, the PTAB denied institution.

Acxiom Corp. v. Phoenix Licensing, LLC, CBM201500068, Paper 23 (PTAB Aug. 11, 2015).

Categories

Patent Trial & Appeal Board

Inter Partes Review

© 2025 Akin Gump Strauss Hauer & Feld LLP. All rights reserved. Attorney advertising. This document is distributed for informational use only; it does not constitute legal advice and should not be used as such. Prior results do not guarantee a similar outcome. Akin is the practicing name of Akin Gump LLP, a New York limited liability partnership authorized and regulated by the Solicitors Regulation Authority under number 267321. A list of the partners is available for inspection at Eighth Floor, Ten Bishops Square, London E1 6EG. For more information about Akin Gump LLP, Akin Gump Strauss Hauer & Feld LLP and other associated entities under which the Akin Gump network operates worldwide, please see our Legal Notices page.