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Real Parties in Interest: Proceed with Caution

Since the adoption of the America Invents Act and the institution of the *inter partes* review (IPR) proceeding, the question of how a real party in interest to an IPR is defined has presented challenges for petitioners and opportunities for patent owners.

In an *inter partes* review (IPR), a correct real party in interest (RPI) analysis is vital for both petitioners and patent owners. Failure to identify an RPI to a petition may result in a petition being denied institution and, if the petition is filed near the one-year bar deadline and the denial of institution comes after that deadline, the petitioner is time-barred from filing a corrected petition.

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