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PTAB Trial Insights

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USPTO Takes Case-By-Case Approach to COVID-19 Deadline Extensions

01 APRIL 2020 | COURTENAY C. BRINCKERHOFF, GEORGE E. QUILLIN



The United States Patent and Trademark Office (USPTO) has now announced how it will exercise its authority under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to extend

Arthrex Stands (For Now)

26 MARCH 2020 | JONATHAN I. TIETZ, GEORGE E. QUILLIN

As we previously covered , on October 31, 2019, the Federal Circuit held in *Arthrex, Inc. v. Smith & Nephew, Inc.*, 941 F.3d 1320 , that PTAB judges (i.e., administrative patent judges, or APJs) were principal officers appointed in violation of the Constitution, and held that the proper remedy was to judicially eliminate their for-cause removal protections.

PTAB Cannot Invalidate Challenged Claims for Indefiniteness in an IPR

18 FEBRUARY 2020 | MELISSA J. EL MENAOUAR, ALEXANDER M. LODGE

The Federal Circuit definitively rejected arguments to cancel challenged claims for reasons other than anticipation or obviousness in an inter partes review proceeding.

PTAB Strict on Motivation Evidence for Obviousness

31 JANUARY 2020 | JOSEPH P. MEARA, AUDE S PEDEN

Two PTAB decisions recently designated as informative show that failure to provide detailed evidence of motivation to combine references for an obviousness challenge, can sink a Petition before or after institution of trial.

PTAB - 2019 Year in Review

23 JANUARY 2020 | JEANNE M. GILLS, STEPHEN B. MAEBIUS, GEORGE E. QUILLIN, JONATHAN I. TIETZ

To wrap up 2019 and usher in 2020 for practitioners who handle Patent Trial and Appeal Board (PTAB) matters, Foley partners Jeanne Gills, Steve Maebius, and George Quillin discussed 2019's major developments in a webinar on January 23, 2020.

Remanding to PTAB After Demoting Judges: Too Far or Not Far Enough?

12 NOVEMBER 2019 | JONATHAN I. TIETZ, GEORGE E. QUILLIN

On October 31, the Federal Circuit held that PTAB judges were principal officers appointed in violation of the Appointments Clause and, to remedy the violation, severed the portion of the Patent Act conferring them (through Title 5) with for-cause removal protection.

Federal Circuit Demotes Unconstitutionally Appointed PTAB Judges

01 NOVEMBER 2019 | JONATHAN I. TIETZ, GEORGE E. QUILLIN

While Tempting, PTAB Requests for Rehearing Face Long Odds

15 OCTOBER 2019 | JASON N. MOCK, MICHAEL R. HOUSTON

When the PTAB renders a decision, one of the parties is almost certain to be unhappy. Providing appropriate advice in the face of an undesired outcome requires an understanding of the odds of changing the outcome.

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