This book seeks to assist practitioners representing patent owners and challengers in trials before the Patent Trial and Appeal Board (PTAB) of the United States Patent and Trademark Office (the Office). It is intended to be a concise, practical desk reference for practicing attorneys, in-house counsel, and nonattorney professionals (e.g., patent agents) involved in PTAB proceedings. We have included many practical tools throughout the book, including strategic tips and checklists. Perhaps the most useful, we hope, is Chapter 5, which provides a comprehensive synthesis of the PTAB’s rules, important decisions, formal guidance, and informal guidance, organized by topic.

PTAB trials, introduced to U.S. patent law by the 2012 Leahy-Smith America Invents Act, are a hybrid of conventional patent prosecution and patent litigation practices. Successfully navigating a PTAB trial may entail such varied tasks as analyzing highly technical prior art, drafting persuasive petitions, arguing motions, deposing scientific experts, drafting patent-claim amendments, and arguing at an oral hearing before an expert three-judge panel. This book’s lead authors, all seasoned patent office practitioners and experienced patent litigators, are uniquely qualified to provide guidance to practitioners faced with the myriad challenges of a PTAB trial.

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research to ensure that they are relying on the most recent case law. The current rules are available at http://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/resources. The information in this guide is not promised or guaranteed to be correct or complete, and should not be relied upon as such.

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