Insights: Publications

Reversal Rates of Ex Parte Appeals: High Variability Across PTAB Judges

Landslide

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Patent examination frequently includes a formalized back-and-forth between an examiner at the U.S. Patent and Trademark Office (USPTO) and the patent application's applicant: The examiner rejects the application under one or more statutory grounds, the applicant argues against the rejection and/or amends the claims, and the examiner then reconsiders the application. Frequently, after a small number of rounds, the application is allowed. Other times, it becomes clear that the examiner and applicant are not seeing eye-to-eye on a particular issue.