



Insights: Publications

Nearly All Biz-Method Appeals Contest Eligibility Rejection

Law360

March 1, 2018

While the examiner is the sole arbiter during patent prosecution, when an impasse has been reached (in terms of claim interpretation, the cited art, or the patent statutes) Applicants can appeal to a panel of Patent Trial and Appeal Board administrative law judges. Appealing has often seemed particularly desirable when the perceived probability of obtaining an allowance is slight. One would expect the volume of appeals from each technology center to be roughly proportional to the allowance prospects of that TC.

In this article, Kate Gaudry and Sam Hayim discuss how changes in case law that materially affect allowance prospects might cause a spike in the number of appeals filed.