

Raghav Bajaj in Bloomberg Law: Patent Office Tackles Time-Bar Confusion with New Precedent

September 10, 2019

PRACTICES Intellectual Property, Patents, Patent Office Trials

Bloomberg Law quoted Haynes Boone Partner Raghav Bajaj in an article about a precedent-setting decision in a patent review involving *Presby Patent Trust v. Infiltrator Water Technologies LLC et al.*

Here is an excerpt:

The Patent Trial and Appeal Board had held that a federal lawsuit dismissed without prejudice for lack of personal jurisdiction still triggers the one-year time bar for Infiltrator Water Technologies LLC to challenge Presby Patent Trust's patent for a fluid conduit. The board vacated its decision to institute trial in October 2018 and terminated the administrative proceeding.

The decision, one of two the agency designated as precedential Sept. 9, marks the latest precedent to address questions of what triggers the timeline to petition the board. Under 35 U.S.C. §315(b), the board can't institute an *inter partes* review if the petition is filed more than a year after a petitioner is served with an infringement complaint.

Raghav Bajaj, a patent attorney at Haynes Boone LLP, said he believes patent office officials are focusing on time bar-based decisions because "they want to reduce unpredictably and reduce somewhat the gamesmanship that can occur when we're talking about that § 315(b) one year date. They want to make sure this one-year date is a predictable thing to measure."

To read the full article, click [here](#). (Subscription required)