Dina Blikshteyn in World IP Review: 'USPTO director reviews: Did OpenSky prompt a rethink?'

By Dina Blikshteyn | November 29, 2022

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Haynes Boone Counsel Dina Blikshteyn was featured in a *World IP Review* article. Below is an excerpt:

Hard on the heels of Kathi Vidal's explosive sanctions against OpenSky in October came word that the US Patent and Trademark Office (USPTO) Director would rethink key policies, including the director review process. …

Dina Blikshteyn, counsel at Haynes Boone, agrees that Vidal's critique raised issues and some other pertinent questions concerning the USPTO's guidance and policy.

"Vidal obviously felt strongly about the case, perhaps perceiving a form of gamesmanship, which made the proceedings unfair. And she took that as an opportunity to try to fix it," she observes.

"But it was a huge change in policy. The USPTO didn't have guidance on what is abusive and what is not. So Vidal's opinion could be seen as a step forward. But on the other hand, the question arises, should the director do that *sua sponte*? And how fair is it to the party involved?" …

According to Blikshteyn, one thing is at the forefront of this rethink: a desire for clarity.

"Vidal is very clear that she wants the review process to be seen as a clarifying route. Ultimately, she wants to reinforce prime office positions, rather than take up cases where she changes the policy," she says.

Excerpted from *World IP Review*. To read the full article, click here.

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