

Brian Kwok, Nicholas Martini and Nicole Johnson for Law360: An Update On Post-Grant Review Filings And Decisions

By Brian C. Kwok | November 3, 2016

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In June 2016, we observed the increasing popularity of post-grant review and its role as a component of overall patent litigation strategy.

Since that time, several more PGR petitions were filed and the Patent Trial and Appeal Board issued its first three written decisions.

This article updates our previous analysis of PGR petitions to provide a contextual overview of the types of patents, parties and challenges being considered by the PTAB. We also examine the PTAB's three written decisions to better understand how the PTAB will assess challenges based on grounds such as patent-eligible subject matter and public use prior art.

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