

## When Is A Case Ready For Appeal?

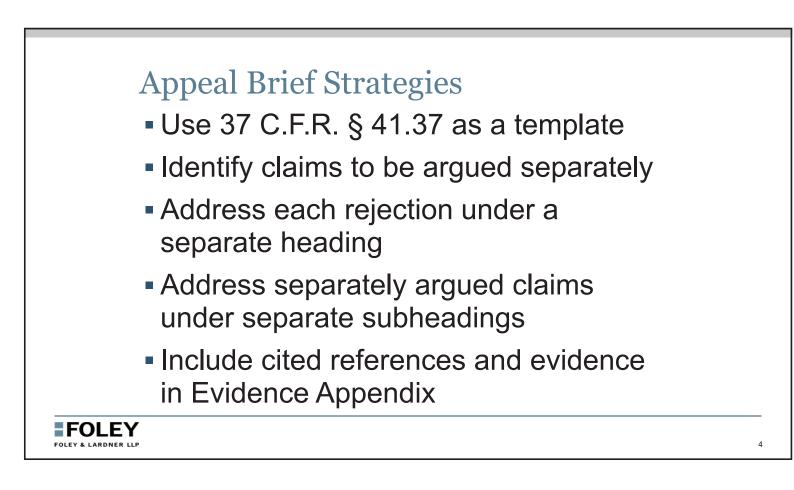
- Claims twice rejected (35 USC § 134(a))
- At an impasse on the merits of rejections
- All evidence is of record
- All claim amendments have been presented and entered
- All fall back positions are embodied in pending claims



## **Pre-Appeal Brief Review?**

- At most a few clear-cut issues underlying the rejection(s)
- Limited to 5 pages of arguments
- Must be filed with Notice of Appeal
- Appeal Brief deadline will be measured from date of decision





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## Title search: Ex Parte PTAB Appeals Strategies for Success

Also available as part of the eCourse 2019 Advanced Patent Law (USPTO) eConference

First appeared as part of the conference materials for the 14<sup>th</sup> Annual Advanced Patent Law Institute session "Ex Parte Appeals Practice"