PTAB Policy Shifts

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- **The U.S. Supreme Court**
- **The Court of Appeals for the Federal Circuit**
- **USPTO Rule-Making**
- **Congress**

Why are we here?

The America Invents Act

- Signed September 16, 2011
- Transition from BPAI to the PTAB September 16, 2012

The PTAB

- *Inter partes* reexamination ends
- Post grant proceedings – IPR and PGR
- CBM ended on September 16, 2020
- Tool to be used as a supplement or adjunct to district court litigation

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U.S. Supreme Court – as of October 13, 2020

- Following its first conference, the Supreme Court has denied certiorari in a number of patent cases. In particular, the court has denied certiorari in all the patent cases ready-for-conference with the notable exception of the *Arthrex* cases focusing on appointments clause issues where certiorari was granted October 13, 2020

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