

Produced by the United States Patent and Trademark Office; no copyright is claimed by the United States in this presentation or associated materials.

UNITED STATES
PATENT AND TRADEMARK OFFICE



Ex Parte PTAB Appeals

Judge Romulo H. Delmendo,
United States Patent and Trademark Office, Patent Trial and Appeal Board
Judge Bruce Wieder,
United States Patent and Trademark Office, Patent Trial and Appeal Board



When is a Case Ready for Appeal?

When you have presented everything you want to present to the examiner:

- You have presented your best arguments;
- You have all the evidence you want/need of record; AND
- You meet the requirements of 35 U.S.C. §134(a) (claim has been twice rejected).



3

When is a Case Ready for Appeal?

Remember what we do:

"review adverse decisions of examiners"

35 U.S.C. § 6(b)(1)



4

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Ex Parte PTAB Appeals

Also available as part of the eCourse

[2019 Advanced Patent Law \(USPTO\) eConference](#)

First appeared as part of the conference materials for the
14th Annual Advanced Patent Law Institute session

"Ex Parte Appeals Practice"