

# THE EVOLUTION OF THE PTAB IN THE LAST YEAR

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## MAJOR PTAB DEVELOPMENTS OVER LAST 12 MONTHS

- Updated Trial Practice Guide
- Newly-designated Precedential Decisions
- Pilot Program Concerning Motion to Amend Practice
- Change to *Phillips* Claim Construction Standard
- Impact of Federal Circuit Decisions

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## PATENT OFFICE TRIAL PRACTICE GUIDE

- Original Trial Practice Guide issued in August 2012
  - 77 Fed. Reg. 48756 (Aug. 14, 2012)
- First update to Trial Practice Guide issued in August 2018
  - 83 Fed. Reg. 39989 (Aug. 13, 2012)
- Second update to Trial Practice Guide issued in July 2019
  - 84 Fed. Reg. 33925 (Jul. 10, 2019)
  - <https://www.uspto.gov/sites/default/files/documents/trial-practice-guide-update3.pdf>

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## AUGUST 2018 UPDATE TO TRIAL PRACTICE GUIDE

- Explains *General Plastic* discretionary denial factors under § 314(a)
- Describes *Becton Dickinson* discretionary denial factors under § 325(d)
- Changes patent owner briefs to include sur-replies instead of motion on observations on cross-examination
- Differentiates between motions to exclude and motions to strike

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"The Evolution of the PTAB in the Last Year"