

# Section 101 Challenges in AIA Trials at the PTAB

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# Overview

- Current Snapshot of § 101 at the PTAB
- Historical Overview of USPTO Rulemaking, Policy-setting, and 101 Guidelines
- AIA Trial statistics
  - Overall filing rates
  - § 101 success rates in IPR, CBM and PGR
- Comparison to District Court § 101 Challenges
- Future Possible USPTO Rulemaking in PGR Context

## Cases in which §101 Can Be Decided by PTAB

- Ex Parte Appeals in Patent Applications.
- Reexam Appeals (for new or amended claims)
- Interferences
- AIA Trials at the PTAB
  - Inter Partes Reviews (for motions to amend claims)
  - Covered Business Method Reviews
  - Post-Grant Reviews

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Title search: Section 101 Challenges in AIA Trials at the PTAB

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[2020 Advanced Patent Law \(USPTO\) eConference](#)

First appeared as part of the conference materials for the

15<sup>th</sup> Annual Advanced Patent Law Institute session

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