

# ***Ex parte* reexaminations**

28th Annual Advanced Patent Law Institute

Michael Pohl  
November 02, 2023  
Norton Rose Fulbright US LLP



1

## **Topics**

- Mechanics of *ex parte* reexaminations
- Use of *ex parte* reexaminations
  - By Patent Challengers
  - By Patent Owners

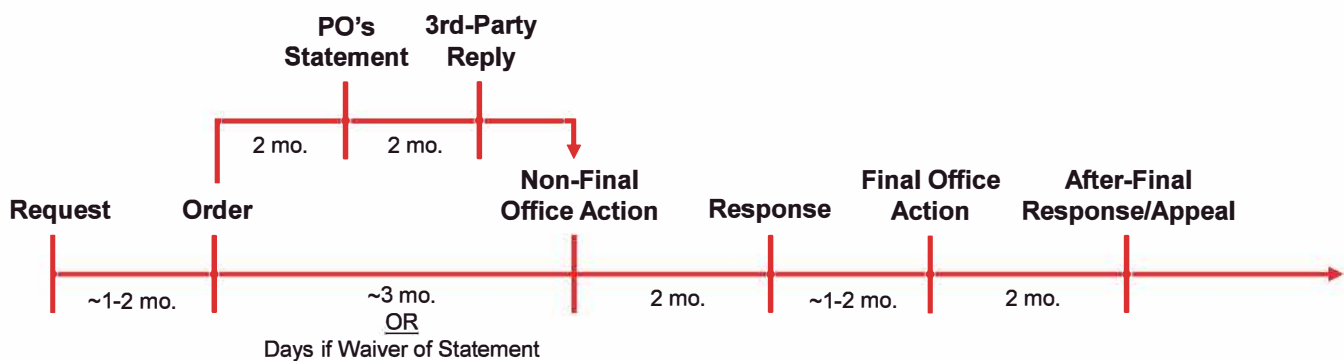
2

2

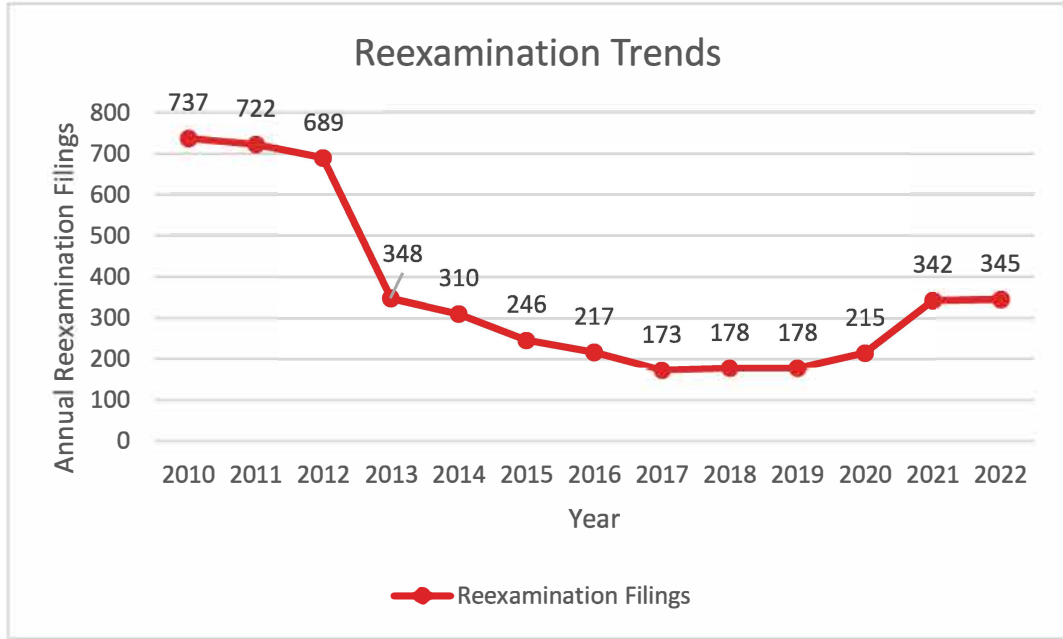
## What is an *ex parte* reexamination?

- USPTO reexamines the patentability of challenged claims of an issued patent based on prior art patents and printed publications
  - Panel of three examiners in the Central Reexamination Unit (CRU)
- Requester
  - Third-party challenger
  - Patent Owner
  - Director
- *Ex parte* proceeding
  - Limited input from a third-party challenger

## Process



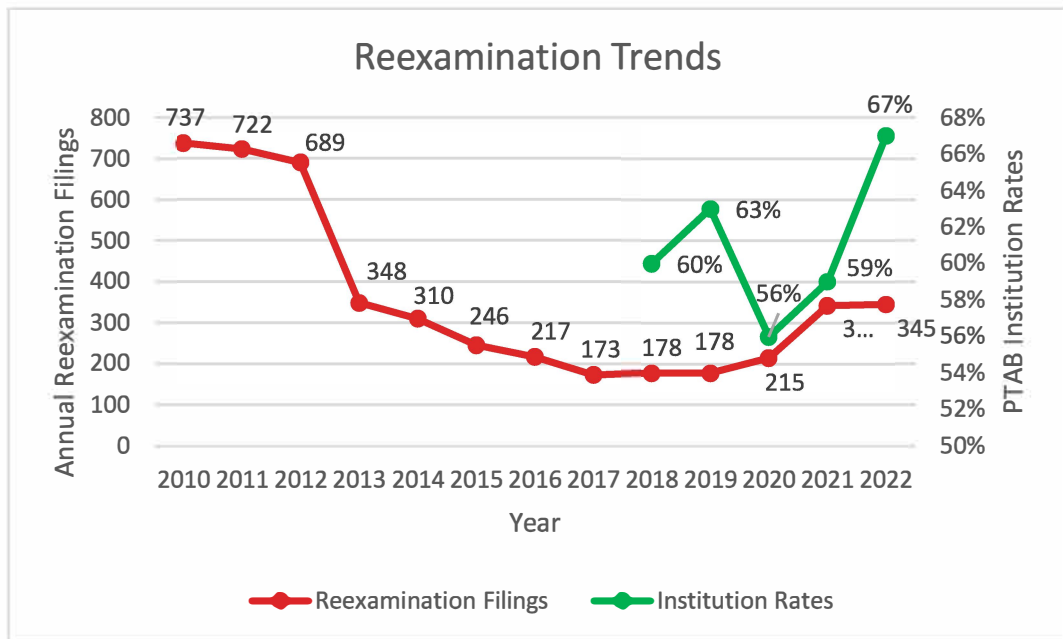
# Why use a reexamination post-AIA?



Source: Unified Patents

5

# Why use a reexamination post-AIA?



Source: Unified Patents & USPTO

6

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 \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Ex parte Reexaminations

Also available as part of the eCourse

[Patent Reexamination](#)

First appeared as part of the conference materials for the  
28<sup>th</sup> Annual Advanced Patent Law Institute session  
"Patent Reexamination"