



PERSPECTIVES ON THE PTAB - INAUGURAL ISSUE

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We are pleased to share this **Perspectives on the PTAB** newsletter. Its content is directed toward providing information and analysis of the decisions made by the Patent Trial and Appeal Board. We hope that this newsletter informs readers about developments that affect their patents, strategies, and businesses. We would be pleased to provide additional assistance to you. Please don't hesitate to contact us if you have any questions.



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Evidence Alley - Lightweight Fabric: Admissibility versus Weight at the PTAB

Lori A. Gordon & Lauren Johnson

Many parties in front of the Patent Trial and Appeal Board (Board) struggle with the handling of evidentiary issues. This struggle is heightened when expert evidence is the focus. In *Tietex International, Ltd. v. Precision Fabrics Group, Inc.*, IPR2014-01248 (Paper 39, Jan. 27, 2016), the Board illustrated the difference between admissibility of expert testimony and weight. To be sure, a witness whose area of expertise extends only to one aspect of an invention may provide admissible testimony in that particular area. But conclusory expert testimony is not due any weight and a petitioner cannot count on supplementing a deficient declaration with its reply.

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Hot Topics - AIA Estoppel Provisions Clarified

R. Wilson Powers, III, Ph.D.

The Federal Circuit's recent decision in *Shaw Industries Group, Inc. v. Automated Creel Systems, Inc.*, has shed some light on the estoppel provisions in America Invents Act (AIA) post-grant proceedings. Like the estoppels in the discontinued *inter partes* reexamination, they may ultimately be toothless.



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Appellate Corner - Don't Let Your Patent Appeal Get Lost in the Crowd

Jon E. Wright & Pauline M. Pelletier

In 2011, the America Invents Act created a new system for challenging the validity of issued patents. Since becoming available in 2012, *inter partes* review and covered business-method review proceedings have already accounted for thousands of trials before the Patent Trial and Appeal Board, and now hundreds of appeals to the U.S. Court of Appeals for the Federal Circuit.



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PTAB By the Numbers - May/June

Here, we explore recent trends in petition filings and Board decisions. We examine the most active petitioners and patent owners in the past months, and put May and June's institution and claim cancellation rates in the context of the last half-year, and the Board's entire history.



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