



Client Alert: Expedited Patent Appeal Pilot Program

To reduce its extensive backlog, the Patent Trial and Appeal Board (PTAB) has announced a new program that allows an Applicant to withdraw one pending *ex parte* appeal in order to “make special” an appeal of a second application. The PTAB decision for the second application may then be received faster than would normally be expected.

To participate in the program:

- An Applicant must have two applications awaiting PTAB decisions where the applications are co-owned as of June 19, 2015 or have a common inventor.
- Both applications must have a docketing notice mailed on or before June 19, 2015.
- There must be no request for an oral hearing, or any request for an oral hearing must be withdrawn. There are no refunds of any oral hearing fees already paid.
- In the application being withdrawn, no fees will be refunded.

Once the PTAB decides the appeal, the application is returned to its “non-special” status.

The PTAB’s goal is to have the “special” appeal decided within six months. This can be significant for newly-filed appeals, because all Technology Centers have backlogs of approximately 25 to 33 months. The longest delays, approximately 30 to 33 months, are in 1600 (Biotechnology and Organic Chemistry), 2100 (Computer Architecture, Software, and Information Security), 2400 (Computer Networks, Multiplex Communication, Video Distribution, and Security), 2600 (Communications), 2800 (Semiconductors, Electrical and Optical Systems and Components), 3600 (Transportation, Construction Electronic Commerce, Agriculture, and National Security), and 3700 (Mechanical Engineering, Manufacturing, Products).

This program will begin on June 19, 2015, and will be available until 2,000 appeals have been accorded special status under the program, or until June 20, 2016, whichever is earlier.

Please contact us for further details, or if you are interested in having your appeals evaluated for this program.

This alert is for informational purposes only and is not legal advice and may not be adequate or appropriate for a specific situation or circumstances. Please do not hesitate to contact [Cantor Colburn LLP](http://CantorColburnLLP.com) if you have any questions or would like to discuss your situation in depth.