

This is your Release #12 (November 2022)

Post-Grant Proceedings Before the Patent Trial and Appeal Board

By Oblon

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In Release #12 of *Post-Grant Proceedings Before the Patent Trial and Appeal Board*, author Megan Raymond has thoroughly updated several chapters.

Chapter 2 on prefiling considerations, which focuses on the interplay between post-grant proceedings and litigation, has been substantially revised to clarify the strategic, procedural, and evidentiary considerations related to whether and when to file a petition for IPR or PGR. Chapter 2 addresses such considerations as the impact of an unsuccessful IPR or PGR on litigation, the impact of claim construction in an IPR or PGR on litigation, the likelihood of a stay of litigation pending the outcome of the post-grant proceeding, the complexity of the arguments, and the effects of estoppel with an emphasis on co-pending litigation.

Chapter 12 on hearings before the Patent Trial and Appeal Board has been reorganized to emphasize the practical aspects of PTAB practice.

Chapter 13 on final written decisions and rehearing requests has also been substantially revised. Chapter 13 incorporates important new information regarding the interim process for Director review.

Chapter 15 on parallel litigation has been thoroughly revised with new sections covering PTAB claim construction as prosecution history estoppel, system art and estoppel, and the application of estoppel to joined petitioners, with citations to recent decisions that shed light on how courts may interpret the AIA's estoppel provisions.

The **Index** has also been updated for this release.

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FILING INSTRUCTIONS

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REMOVE OLD PAGES NUMBERED:

- Title page to xxxi
- 2-1 to 2-40
- 12-1 to 13-5
- 15-1 to 15-57
- I-1 to I-33

INSERT NEW PAGES NUMBERED:

- Title page to xxxiii
- 2-1 to 2-18
- 12-1 to 13-3
- 15-1 to 15-28
- I-1 to I-30

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