

The Better Part of Valor? Discretionary Institution in PTAB Proceedings

Fitch, Even, Tabin & Flannery LLP will present a free webinar, “The Better Part of Valor? Discretionary Institution in PTAB Proceedings,” featuring Fitch Even partners David A. Gosse and Karen J. Wang.

The webinar will take place on Wednesday, June 30, 2021, at 9:00 am PDT / 10:00 am MDT / 11:00 am CDT / 12 noon EDT.

Filing a meritorious petition does not guarantee the Patent Trial and Appeal Board (PTAB) will institute trial in *inter partes* review (IPR) or post-grant review (PGR) proceedings. Congress allowed that the PTAB “may not authorize” IPR proceedings unless they identify a reasonable likelihood that the petitioner would prevail with respect to at least one of the claims challenged. This leaves the PTAB with discretion over whether to institute if the relevant conditions are present. The PTAB has issued guidance and precedential decisions to help petitioners and patent owners evaluate whether the PTAB should apply its discretion to deny institution.

During this webinar, we will cover these topics and more:

- How the PTAB exercises its discretion to deny institution in the face of parallel district court proceedings, e.g., in the Western District of Texas “rocket docket”
- Whether prior reexamination, IPR, PGR, or even prosecution will cause the PTAB to exercise its discretion and deny institution
- Why the PTAB may or may not deny institution of multiple petitions challenging a single patent

CLE credit has been approved for California, Illinois, and

Nebraska. Other states may also award CLE credit upon attendee request.

Register for the event.

Announcement: <https://generalcounselnews.com/the-better-part-of-f-valor-discretionary-institution-in-ptab-proceedings/>

Registration

link: <https://register.gotowebinar.com/register/5364909073570065167>

Following the live event, a recording of the webinar will be available to view for one year at www.fitcheven.com.