



## **Banner & Witcoff Represents ABA in Move to Avoid Fee Shifting**

Banner & Witcoff is pleased to note that it has joined with other IP lawyers in representing the American Bar Association as amicus curiae in a case in the U.S. Court of Appeals for the Federal Circuit.

The ABA is contributing to analysis in the case, *NantKwest, Inc. v. Matal*. The parties are working to persuade the Federal Circuit to interpret “all the expenses of the proceedings” in 35 U.S.C. § 145 as authorizing, or not, awards of U.S. Patent and Trademark Office’s attorneys’ fees. Section 145 concerns cases brought by inventors who believe they have been unfairly denied patents.

Our firm participated in preparing, and filed, the ABA’s recent amicus brief in the case. The Federal Circuit will review the case in March.

Click [here](#) for the ABA’s brief.

Law360 reported on the ABA’s involvement with the case in an article titled, “ABA, INTA Urge Full Fed. Circ. To Kill USPTO Fee Rule.” Click [here](#) to read the article.

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