Craig Kronenthal Comments on PTAB's Recent Run of Precedential Decisions

Law360 quoted Banner Witcoff attorney Craig W. Kronenthal in a May 9 article examining the recent string of decisions that the Patent Trial and Appeal Board (PTAB) has designated as precedential.

The article recaps more than a handful of decisions that the PTAB has designated as precedential since April, as well as two designated as informative. The decisions designated as informative, the article notes, came in different cases in which "the PTAB declined to institute review because it found the petitioners were likely to succeed in invalidating just a fraction of the claims that had been challenged."

"What we're seeing here is the pendulum swing back from the SAS decision," Craig told Law360, referring to the U.S. Supreme Court's holding in SAS Institute v. Iancu that the PTAB must address all challenged claims if the board institutes review.

The article, "The PTAB's Run Of Precedent Continues: A Look Back," is available online to subscribers.

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