



Intellectual Property Advisory: District Court Blocks New Patent Rules

November 1, 2007 - The U.S. Patent and Trademark Office (PTO) was temporarily enjoined from implementing the new patent rules on continuations and claims. The PTO's rule changes would have limited the number of continuations and requests for continued examination, and would have limited the number of claims that an applicant could have filed in a patent application. The rules were set to take effect on November 1, 2007. Senior Judge James Cacheris of the U.S. District Court of Eastern Virginia granted the preliminary injunction.

For a copy of the court's opinion, [click here](#).

As a result, the PTO has posted a notice on its web site (see www.uspto.gov) indicating that applications will continue to be prosecuted in accordance with existing rules.

Judge Cacheris' order was for a preliminary injunction. No permanent injunction has issued, and further proceedings in the lawsuit against the PTO are expected. Updates will be posted to the Banner & Witcoff web site.

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