



PTO Files Reply Brief in *Tafas v. Dudas*

October 16, 2008

The U.S. Patent and Trademark Office filed its reply brief in the U.S. Court of Appeals for the Federal Circuit in *Tafas v. Dudas*. The case involves the USPTO's appeal of a lower court's decision striking down a controversial rules package that would have limited the number of claims, continuations, and requests for continued examination that may be filed in patent cases.

In its reply brief, the USPTO principally argued the rules are procedural because they do not affect the substantive requirements for patentability. The USPTO also argued the rules do not place hard limits on the number of continuations because they allow for applicants to come forward with a justification for filing additional continuations. The requirement for an examination support document when an application exceeds 25 claims was argued to be within the agency's rulemaking authority and consistent with Federal Circuit precedent. The court is scheduled to hear oral arguments in December 2008.

Please click [here](#) to view a copy of the brief.

If you have any questions or require more detailed information, please [contact](#) an attorney at Banner & Witcoff for assistance.

Posted: October 16, 2008