Scott M. Kelly Discusses Non-Patent Literature in Bloomberg Article

Bloomberg Law sought out Banner Witcoff attorney Scott M. Kelly for his insights on an April 3 order announcing that the Precedential Opinion Panel (POP) will review the requirements for printed publications at the institution stage.

POP said it would reconsider the Patent Trial and Appeal Board's (PTAB) decision to deny a petitioner's request to review a patent involving data processing, according to the Bloomberg article, which goes on to note a POP decision could set new precedent for when printed publications qualify as prior art.

Scott explained that POP, which launched in 2018, could be "looking for a vehicle to lay out comprehensive guidelines for using non-patent literature because of all the activity last year at the Federal Circuit."

The article, "Hulu Patent Bid Opens Doors for New Prior Art Precedent," is available online to subscribers.

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