

Standards for Printed Publications in IPR and Ex Parte Reexaminations Differ

JANUARY 31, 2020

Ex parte Grillo-Lopez, Appeal 2018-006082 (PTAB. Jan. 31, 2020) (precedential)

This opinion was designated as precedential by the Precedential Opinion Panel in April. The decision clarified that the standards for a printed publication in *inter partes* review (IPR) and *ex parte* reexaminations are different. In an IPR, the petitioner is required to present evidence and arguments sufficient to show that it is reasonably likely that it will prevail on the issue of publication. In an *ex parte* examination, however, after the USPTO has made a prima facie case of publication, the burden shifts to the applicant to overcome that case.

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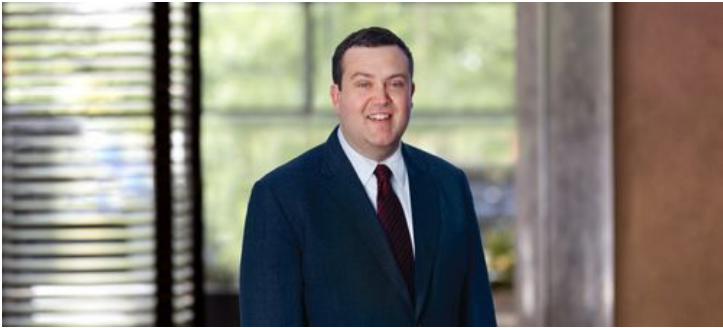
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