

Board Institutes Over Patent Owner Particularity and Word Count Objections

OCTOBER 13, 2021

[Attends Healthcare Products, Inc. v. Paul Hartmann AG, IPR2020-01480, Paper 13 \(PTAB Feb. 24, 2021\).](#)

Before: Scanlon, Jung, Powell.

The Board instituted trial over patent owner's arguments that the petition was procedurally improper. Patent Owner had advanced several arguments that the petition failed to comply with the particularity and word count requirements. The patent owner alleged that the petition's use of a claim listing and subsequent use of shorthand claims limitation reference (like "limitation 1[p]") rather than repeating the text of the claims in subheadings throughout the petition violated the particularity requirement of 35 U.S.C. § 312. The patent owner further alleged that the use of cross-references to other sections of the petition also violated the particularity requirement. The patent owner also argued that the use of the shorthand claim limitation references, running § and ¶ symbols together with the referenced section or paragraph numerals, and dropping "a" or "the" before "POSITA" were violations of the word count limitation. The Board, without any real discussion, held that "none of the issues identified by Patent Owner rises to a level that renders the Petition as a whole deficient, or otherwise warrants denying institution."

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Authors

[Louis L. Campbell](#)

[Eimeric Reig-Plessis](#)

[Mike Rueckheim](#)

[Robert N. Kang](#)

Sharon Lin McIntosh

Tathagata D. ("TD") Goswami

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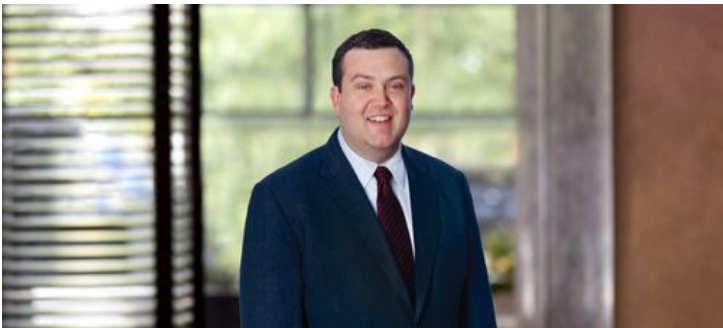
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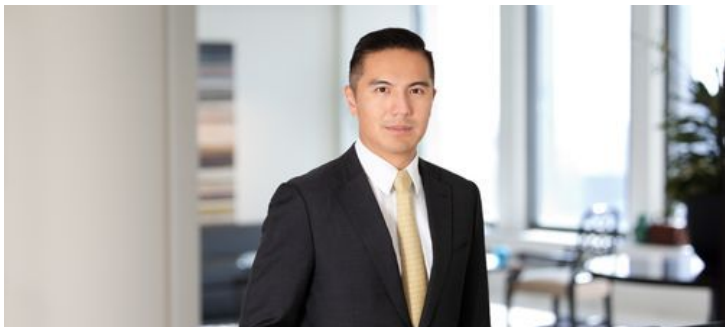
Louis L. Campbell



Eimeric Reig-Plessis



Mike Rueckheim



Robert N. Kang



Sharon Lin McIntosh



Tathagata D. ("TD") Goswami

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