

Christopher L. McKee discusses “disturbing” exercise of discretion by PTAB to not institute IPR in Law360

Neil Ziegman and NPZ Inc. recently requested rehearing of a Feb. 24 Patent Trial and Appeal Board decision denying a petition for inter partes review of inventor Carlis Stephens’ patent on a raccoon trap. The denial was based solely on the fact that some of the issues had been addressed in the original patent prosecution. The rehearing request includes a suggestion for rehearing by an expanded panel of PTAB judges, in view of the important issue presented concerning the extent of the PTAB’s discretion in denying institution of an IPR.

Christopher L. McKee, who is involved in the representation of petitioners Ziegman and NPZ, says in Law360 that the PTAB decision gave too much deference to the examiner’s decision to issue the patent and disregarded the petition’s invalidity arguments.

Please click [here](#) to read the article, “PTAB Told ‘Disturbing’ AIA Decision Ignored Invalidity Case.”

Ziegman and NPZ’s counsel of record are Jeffrey Harty and Glenn Johnson of Nyemaster Goode PC. In addition to Mr. McKee, Michael S. Cuvillo and Craig W. Kronenthal of Banner & Witcoff are involved in the representation.

Posted: March 29, 2016