

Craig Kronenthal Discusses Uptick in PTAB Institution Denials with Bloomberg Law

Bloomberg Law sought out Banner Witcoff attorney Craig Kronenthal for his insight on how recent agency precedent has led to an increase in the number of discretionary denials at the U.S. Patent Trial and Appeal Board (PTAB).

The Oct. 27 article points to precedent set in recent decisions, including *Apple Inc. v. Fintiv Inc.*, in which the board outlined new criteria for PTAB judges to consider when deciding whether to institute review.

Craig, who serves as co-chair of Banner Witcoff's PTAB Committee, told Bloomberg Law: "We see this opinion as contributing to the uptick in institution denials."

The article examines the impact of other precedential decisions handed down in 2020, to which Craig noted he believes "[t]he PTO is striving for balance" and doesn't "think the precedential process is trying to push the pendulum too far in any one direction."

The article, "[Patent Board Precedent Points to Validity Review Denials](#)," is available [online](#) to Bloomberg Law subscribers.

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