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Evidentiary Hearing Held in Engineer’s Suit Against U.S. Patent and Trademark Office Alleging Bad-Faith Patent Examinations

IPWatchdog

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The extent to which the existence of a patent system will promote “the progress of science and useful arts, by securing for limited times to ... inventors the exclusive rights to their ... discoveries” depends on whether patent applications are examined in an unbiased manner and without undue delay. Some patent applicants and some patent practitioners have been fortunate and have generally observed reasonable timeliness and action by the U.S. Patent and Trademark Office (USPTO). Others have had a very different experience with the agency. Documents from a pending case at the Federal Court in the Eastern District of Virginia (EDVA) illustrate one of those circumstances. The story outlined in this case may help shape patent practitioners’ and applicants’ strategies with respect to monitoring for unreasonable examination behaviors and identifying strategies to confront any such situations—both with respect to individual patent applications and to policy-level approaches.

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