

POST-GRANT PROCEEDINGS FOR PATENTS

	INTER PARTES REVIEW (IPR)	POST-GRANT REVIEW (PGR)	COVERED BUSINESS METHOD REVIEW (CBM)	EX PARTE REEXAMINATION	REISSUE	SUPPLEMENTAL EXAMINATION
PURPOSE	Cancel one or more claims as unpatentable	Cancel one or more claims as unpatentable	Cancel one or more claims as unpatentable	Cancel one or more claims as unpatentable, or compel narrowing amendments	Cancel or add one or more claims (broadening amendments only within two years of issuance of patent)	Cure possible defects relating to inequitable conduct
STANDING (WHO MAY SEEK REVIEW)	Third party (not patent owner) who has not previously filed a civil action challenging the validity of the patent	Third party (not patent owner) who has not previously filed a civil action challenging the validity of the patent	Third party (not patent owner) who has been sued or charged with infringement of the patent	Third party or patent owner	Patent owner only	Patent owner only
QUALIFICATION OF PATENT	Any patent	Any patent having an effective filing date on or after March 16, 2013	Only "Covered Business Method" (at least one claim of patent is directed to a "financial product or service")	Any patent	Any patent	Any patent
WHEN PROCEEDING CAN BE FILED	For pre-AIA patents, any time; for AIA patents, nine months after issuance of patent or reissue, or termination of PGR	Within 9 months of issuance or reissuance for patents having an effective filing date on or after March 16, 2013	Now until end of transitional program period (Sept. 16, 2020, unless extended), except during period a PGR is available or ongoing	Any time during enforceability of patent (up to 6 years after lapse or expiration)	Any time before patent expires	Any time during enforceability of patent
ELIGIBLE GROUNDS	35 U.S.C. §§ 102 and 103 based on patents and printed publications	Any invalidity ground, except § 112 failure to comply with "best mode" requirement	Any invalidity ground, except § 102(e) prior art and § 112 failure to comply with "best mode" requirement	35 U.S.C. §§ 102 and 103 based on patents and printed publications	The patent, through error, is considered to be wholly or partly inoperative or invalid	Any "information relevant to patentability"
STANDARD FOR INITIATING REVIEW	"Reasonable likelihood" that the petitioner would prevail with respect to at least one challenged claim (intended to be higher than in PGR and CBM)	"More likely than not" at least one of the challenged claims is unpatentable	"More likely than not" at least one of the challenged claims is unpatentable	Raises Substantial New Question (SNQ) of patentability (what a reasonable examiner would find important in determining patentability of the claims)	N/A	Raises SNQ of patentability
BURDEN OF PROOF	Preponderance of evidence	Preponderance of evidence	Preponderance of evidence	Preponderance of evidence	Preponderance of evidence	Preponderance of evidence
DECISION MAKER	Patent Trial and Appeal Board	Patent Trial and Appeal Board	Patent Trial and Appeal Board	Central Reexamination Unit (CRU)	Original examiner, if available	Examiner
ESTOPPEL	For claims addressed in final written decision, estopped from challenging patent in PTO or district court based on any ground raised or reasonably could have been raised during IPR	For claims addressed in final written decision, estopped from challenging patent in PTO, district court, or ITC based on any ground raised or reasonably could have been raised during PGR	For claims addressed in final written decision, estopped from challenging patent in PTO, district court, or ITC based on any ground raised during CBM	No legal estoppel	N/A	N/A
POSSIBILITY OF SETTLEMENT?	Yes	Yes	Yes	No	N/A	N/A

WE'RE HERE TO HELP

Our Patent Office Litigation team is uniquely positioned to assist you whether you are a patent owner or petitioner.

**Buchanan
Ingersoll &
Rooney PC**

Learn more at Buchanan-IP.com/PTAB