



Intellectual Property Advisory:  
**USPTO files opening brief with the United States Court  
of Appeals for the Federal Circuit in *Tafas v. Dudas*  
appeal**

July 24, 2008 - The U.S. Patent and Trademark Office (PTO) filed its opening brief in the Federal Circuit in the appeal of the Eastern District of Virginia's decision that permanently enjoined the PTO's Final Rules that would have restricted the number of continuations, claims, and requests for continued examination that may be filed. In its opening brief, the PTO argued the District Court improperly focused on whether the rules were substantive or procedural, and failed to consider whether the rules were within the PTO's statutory authority to "govern the conduct of proceedings in the Office," "facilitate and expedite the processing of patent applications," and "govern the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the Office." The PTO also argued that the District Court failed to give proper deference to the PTO's interpretation of its statutory rulemaking authority.

Please click [here](#) for copy of brief.

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