

Kristen Logan Quoted in The National Law Journal Article on PTAB Judge Independence

Media Mention
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Associate Kristen Logan is quoted in an article in The National Law Journal titled "Watchdog: Most PTAB Judges Fear Independence Threatened by Political Appointees" published on December 27, 2022.

The majority of Patent Trial and Appeal Board (PTAB) judges believe "oversight practiced by U.S. Patent and Trademark Office (USPTO) directors and PTAB management has affected their independence," according to a December 2022 report from the Government Accountability Office (GAO). In July 2022, USPTO Director Katherine Vidal implemented changes for decision circulation and internal review aimed at promoting feedback, eliminating inconsistencies, and increasing transparency during the decision pre-issuance process. The push for increased transparency comes as a result of the 2021 Supreme Court decision in *United States v. Arthrex, Inc.*

In an email to The National Law Journal, Kristen "said the newly released report showed that the board's transparency issues are 'deeply ingrained' at the USPTO and the agency will have to go beyond those July changes, or rely on legislative action, to address transparency concerns.

And while the *Arthrex* decision may appear to demand more director authority into the PTAB process, [Kristen] said Vidal's July changes, and any future efforts, would be more beneficial if they instead clarified a political appointee's role in the process.

'It is important to implement transparent practices and policies so it is clear to what extent the director is involved in the content of the decision,' she said."

To read the full article from The National Law Journal, please visit the publication page, or click on the PDF below.

Key Contact

Kristen Logan

Related Areas of Practice

Inter Partes Review (IPR) and Post Grant Review (PGR)