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Patent Trial and Appeal Board



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Under the new [Interim Processes for Patent Trial and Appeal Board \(PTAB\) Workload Management](#) announced on March 26, 2025, the parties to an America Invents Act (AIA) trial proceeding may file separate briefings on discretionary considerations relevant to institution. Specifically, a patent owner may file a discretionary denial brief, and a petitioner may file an opposition to that brief. To help the USPTO efficiently address such filings, the PTAB introduces two new paper types in the [Patent Trial and Appeal Case Tracking System \(P-TACTS\)](#):

1. PO Discretionary Denial Brief
2. PET Opposition to Discretionary Denial Brief

The patent owner (PO) may file the PO Discretionary Denial Brief after the PTAB issues a Notice of Filing Date Accorded (or a Notice of Defective Petition) and the PTAB accepts the patent owner's Mandatory Notice. The petitioner (PET) may file the PET Opposition to Discretionary Denial Brief in P-TACTS after the patent owner files a discretionary denial brief. Instructions for filing briefs in P-TACTS will soon be available on the [PTAB's FAQs webpage](#).

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To select the new PO Discretionary Denial Brief paper type, the patent owner should select the “File Other Document” modal under the “+Add Document” drop-down menu in the case viewer. In the “File Other Document” modal, the “PO Discretionary Denial Brief” will be a choice in the paper type drop-down menu.

The petitioner should file its PET Opposition to Discretionary Denial Brief in the same way as described above for the patent owner, except that the petitioner should select “PET Opposition to Discretionary Denial Brief” in the drop-down menu under the “File Other Document” modal.

It is important for the parties who file briefing on discretionary considerations in AIA trial proceedings to select the appropriate paper types to enable proper case management in P-TACTS.

For more information about the new [Interim Processes for PTAB Workload Management](#), register to attend the upcoming [Boardside Chat on Thursday, April 17](#).

Email Trials@uspto.gov or call 571-272-7822 if you have any questions.



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