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PTAB rules

Currently in effect

The updated PTAB Rules for Ex Parte appeals became effective on January 23, 2012.

The date of filing of the notice of appeal determines which set of rules applies to an Ex Parte appeal.

If a notice of appeal is filed prior to January 23, 2012, then the 2004 version of the Board Rules last published in the 2011 edition of Title 37 of the Code of Federal Regulations ([37 C.F.R. § 41.1 et seq.](#)) applies to the appeal.

If a notice of appeal is filed on or after January 23, 2012, then the 2012 version of the Board Rules published on November 22, 2011 in the Federal Register notice entitled [Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals; Final Rules](#) applies to the appeal.

As such, ex parte appeal briefs filed in conjunction with a notice of appeal, which had been filed prior to January 23, 2012, should comply with the content and format requirements in the 2004 Board Rules. Ex Parte appeal briefs filed in conjunction with a notice of appeal, which is filed on or after January 23, 2012, should comply with the content and format requirements in the 2012 Board Rules.

For all other matters before the Board, the rules currently in effect are the Board Rules published in the 2011 edition of Title 37 of the Code of Federal Regulations ([37 C.F.R. § 41.1 et seq.](#)).

More information

- [More information on the Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals](#)

Federal Register Notices pertaining to Rule of Practice before the Patent Trial and Appeal Board (formerly known as the Board of Patent Appeals and Interferences).

For other Federal Register Notices Pertaining to the Board of Patent Appeals and Interferences, go to the [USPTO Federal Register Notices](#) web page.

Federal Register Notices (2013)

- [Changes to Implement the Patent Law Treaty; Final Rule](#)
- [Setting and Adjusting Patent Fees; Correction](#) [PDF]

- [Setting and Adjusting Patent Fees](#) [PDF]

Federal Register Notices (2012)

- [Rules of Practice for Trials Before the Patent Trial and Appeal Board and Judicial Review of Patent Trial and Appeal Board Decisions; Final Rules](#) [PDF]
- [Rules of Practice for Trials Before the Patent Trial and Appeal Board and Judicial Review of Patent Trial and Appeal Board Decisions; Proposed Rules](#); [PDF]

Federal Register Notices (2011)

- [Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals; Final Rules](#) [PDF]

Federal Register Notices (2010)

- [Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals; Proposed Rules](#) [PDF]
- [Clarification on the Procedure for Seeking Review of a Finding of a Substantial New Question of Patentability in Ex Parte Reexamination Proceedings](#) [PDF]
- [Cancellation of Rule of Practice 41.200\(b\) Before the Board of Patent Appeals and Interferences in Interference Proceedings](#) [PDF]
- [Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals; Extension of Comment Period on Potential Modifications to Final Rule](#) [PDF]

Federal Register Notices (2009)

- [Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals; Request for Comments on Potential Modifications to Final Rule and Notice of Roundtable During Comment Period](#) [PDF]

Federal Register Notices (2008)

- [New Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals](#) [PDF]
- [Clarification of the Effective Date Provisions in the Final Rule for Ex Parte Appeals](#) [PDF]
- [Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals; Delay of Effective and Applicability Dates](#) [PDF]

Comments

- [Comments on the Notice of Proposed Rulemaking of November 15, 2010](#)
- [Comments on Other Matters Discussed at the Roundtable \(2010\)](#)
- [Comments on Potential Modifications to the Final Rule \(2010\)](#)
- [Summary of Comments Received at the Roundtable on Ex Parte Patent Appeal Rules \(2010\)](#)
- [Comments on the New Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals \(2007\)](#)

Roundtable

- [January 20, 2010 - Roundtable Information](#)

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