

BOARD OF PATENT APPEALS AND INTERFERENCES

STANDARD OPERATING PROCEDURE 8

ASSIGNMENT OF JUDGES TO EX PARTE MERITS PANELS

This Standard Operating Procedure (SOP) describes the process by which judges are assigned to merits panels in *ex parte* appeals by the Chief Judge's designee(s).

This Standard Operating Procedure creates internal norms for the administration of the Board of Patent Appeals and Interferences (Board) and complements Standard Operating Procedure 1 (SOP 1), *Assignment of judges to merits panels, motions panels, and expanded panels*. It does not create any legally enforceable rights.

I. Chief Judge's Authority to Delegate

The Director's authority under 35 U.S.C. § 6 to designate panels has been delegated to the Chief Judge. *See Manual of Patent Examining Procedure* § 1002.02(f) (8th ed., rev.6, September 2007).

II. Chief Judge's Designee(s)

A. At the discretion of the Chief Judge, at least one employee, hereinafter designee, may be delegated the task of assigning merits panels (designations under 35 U.S.C. § 6) to *ex parte* appeals at such times as the Chief Judge deems appropriate.

B. Employees selected to serve as designees will be notified of their selection by the Chief Judge.

C. The delegation to a designee of the task of assigning merits panels is a temporary delegation and is for a time period within the discretion of the Chief Judge.

D. Designee(s) will become familiar with the guidance of SOP 1.

E. Designee(s) will follow the assignment guidance provided by the Working Document accompanying this SOP.

F. At all times, the Chief Judge has the discretion to limit or expand the scope of a designee's delegation.

III. Discipline Reviewer

A. The Chief Judge has the discretion of appointing at least one employee to review ex parte appeals in a discipline to facilitate the assignment process, at such times as the Chief Judge deems appropriate.

B. Employees selected to serve as discipline reviewers will be notified of their selection by the Chief Judge.

C. The appointment to serve as a discipline reviewer is temporary and is for a time period within the discretion of the Chief Judge.

D. Discipline reviewers are to become familiar with the issues of interest to the Chief Judge.

E. Designee(s) are to follow the assignment guidance provided by the accompanying Working Document.

F. At all times, the Chief Judge has the discretion to limit or expand the scope of the tasks to be performed by a discipline reviewer.