
How the PTAB Treats Pre-Institution Factual Disputes

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An article by [Don Steinberg](#) and [Michael Smith](#), published in BNA's *Patent, Trademark & Copyright Journal*, explores how PTAB panels have addressed pre-institution factual disputes and the potential impact of the PTAB's recent rule changes.

As of May 2, the Patent Trial and Appeal Board rules of practice have been amended to allow patent owners to submit testimonial evidence with a preliminary response and to provide that a "genuine issue of material fact created by such testimonial evidence will be viewed in the light most favorable to the petitioner solely for purposes of deciding whether to institute an inter partes review." [Read the full article](#)