
Statute Attempts to Fix Perceived Constitutional Problem in the Law Governing the Appointment of Administrative Patent and Administrative Trademark Judges

2008-08-19

On August 12, 2008, President Bush signed into law a statute intended to fix a perceived constitutional flaw in a 1999 statute governing the appointment of administrative law judges of the Board of Patent Appeals and Interferences (BPAI) and the Trademark Trial and Appeal Board (TTAB). Both the 2008 statutory fix and the 1999 statute raise constitutional questions of potential significance to those relying on BPAI or TTAB decisions issued over the past several years. [See](#) our recent Email Alert for details on this statute.