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## U.S. District Court Enjoins Implementation of New Patent Rule Changes

On October 31, 2007, the United States District Court for the Eastern District of Virginia preliminarily enjoined the United States Patent and Trademark Office (USPTO) from implementing its new patent rule changes concerning continued examination practice, patent applications containing patentably indistinct claims, and examination of claims (the "Revised Patent Rules") until further notice. Prior to the Court's decision, the Revised Patent Rules were to become effective on November 1, 2007. The Court's decision to temporarily halt implementation of the Revised Patent Rules was in response to lawsuits filed by several parties challenging the legality of the Revised Patent Rules. If the USPTO does not appeal the decision, a final decision by the Court on the merits of these lawsuits is expected in several months.

It is uncertain whether the Revised Patent Rules ultimately will be implemented. Patent applicants may consider consulting with their attorneys to discuss having a compliance plan in place should the Court ultimately permit the USPTO to implement the Revised Patent Rules.



*If you have any questions regarding this alert, or the services we provide, please feel free to contact any of the attorneys listed below or the Sutherland attorney with whom you regularly work.*

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1