

Federal District Court Temporarily Blocks Implementation of New Patent Rules

On October 31, 2007, Judge James C. Cacheris of the U.S. District Court for the Eastern District of Virginia temporarily enjoined the implementation of a new set of patent prosecution rules proposed by the U.S. Patent and Trademark Office (USPTO). The new rules, scheduled to become effective on November 1, 2007, were designed to limit the number of claims an applicant may present in a single patent application and to limit the number of "continuing applications" that may stem from an original patent application. The lawsuit seeking to prevent the USPTO from implementing the rules was filed by pharmaceutical company GlaxoSmithKline, who is supported by a wide range of amici including the American Intellectual Property Law Association, the Biotechnology Industry Organization, the Pharmaceutical Research and Manufacturers of America, and numerous patent law practitioners.