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BSKB Takes Reexamination to the Next Level ***CAFC to Hear Appeal***

Falls Church, VA & San Diego, CA – August 9, 2010 – Birch, Stewart, Kolasch & Birch, LLP (BSKB) announced today that it is participating in an appeal to the U.S. Court of Appeals for the Federal Circuit (CAFC) in an *inter partes* reexamination. This will be one of the first such cases ever argued on the merits before the CAFC (*Inter Partes* Reexamination No. 95/000,138).

The '138 *inter partes* reexamination was initiated by BSKB on behalf of a Third Party Requestor (TPR) in March of 2006. Throughout the proceeding the Examiner found the claimed invention unpatentable.

On May 25, 2010, the Board of Patent Appeals and Interferences (BPAI), affirmed the Examiner's rejections for anticipation (under 35 U.S.C. § 102(b)), obviousness (under U.S.C. §103(a)) and for non-statutory obviousness-type double patenting. Thereafter, the patent owner filed a Notice of Appeal to the CAFC on July 23, 2010. The USPTO will be the opposing party in the appeal. As representatives for the TPR, BSKB filed its Notice of Intent to Participate in Patent Owner's Appeal on August 2, 2010. MaryAnne Armstrong, Ph.D., Eugene T. Perez, and Raymond C. Stewart will represent the TPR for the appeal to the CAFC.

The newly emerging areas of Reexamination and Reissue in IP law raise issues that are highly technical and complex. BSKB is one of a handful of firms in the U.S. with a practice group dedicated to patent reexaminations and reissues.

About BSKB

Founded in 1976, BSKB is an internationally recognized intellectual property law firm with offices in Falls Church, VA and San Diego, CA. The firm has a full service intellectual property practice including litigation, patent interference, patent re-examination, patent prosecution and copyright and trademark services. For more information, see the firm's website at www.bskb.com

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