

# Patent Lawyers Launch PTAB Bar Association

By Scott Graham

The Patent Trial and Appeal Board has transformed the practice of patent litigation. As of today, it officially has its own bar association.

Some 45 law firms that regularly practice before the board are launching the PTAB Bar Association on the fourth anniversary of the board's re-christening. Latham & Watkins partner Robert Steinberg will serve as interim president, and Finnegan Henderson Farabow Garrett & Dunner partner Erika Arner as interim president-elect.

Steinberg began pitching the idea about six months ago as a way to educate practitioners and brainstorm ideas for improving the still rapidly evolving tribunal. "It's tough to get lawyers to agree on anything," he joked, "but there was quick agreement that it was time for the PTAB Bar Association."

The America Invents Act remade the PTAB, formerly known as the Board of Patent Appeals and Interferences, into an administrative forum for adversarial trials over patent validity. AIA trials have proven extremely popular, drawing some 1,800 petitions just last year, along with griping from some patent owners that the board is too quick to cancel patent claims.

Arner said the PTAB Bar Association includes lawyers and patent agents from both sides of the aisle. With 6,000 different names already on PTAB pleadings, the opportunity to grow the bar is substantial.



(L-R) Partner Erika Arner of Finnegan, Henderson, Farabow, Garrett & Dunner, and Latham & Watkins partner Robert Steinberg.

So is the chance to shape the practice. "Nearly every proceeding involves something that is not specifically addressed in the statute or rules," she notes on the PTAB's new web site.

It was one thing to have the idea. It was another to organize the board, prepare a charter, secure funding, launch the website and begin planning the inaugural conference, to be held in March in Washington. The group also obtained permission from the government to use PTAB in its name and url—it

would not have been a good look to get into an IP dispute with the PTAB.

Also on agenda is organizing pro bono efforts for both petitioners and patent owners, a need that's currently unmet, Steinberg said.

"We got a lot done in a very short time," said Arner. "I think we've all made some new friends and opened up some communications about how to improve the practice."

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