



Cohen Pontani Lieberman & Pavane LLP  
551 Fifth Avenue  
New York, NY 10176  
Telephone: 212.687.2770  
Fax: 212.872-5487  
[www.cplplaw.com](http://www.cplplaw.com)

## News

FOR IMMEDIATE RELEASE

For information, contact: Malcolm Petrook,  
DJD/Golden, 212.366.5033

### **CPLP Alert:**

## **U.S. Patent and Trademark Office Final Rule Held Void**

(NEW YORK, NY – April 8, 2008) – Cohen Pontani Lieberman & Pavane LLP advises clients of the following ruling by the U.S. Patent and Trademark Office (USPTO):

The USPTO had intended to implement its Final Rule on November 1, 2007, and the court in *SmithKline Beecham Corporation v. Dudas, et al.* preliminarily blocked its implementation on October 31.

This same court has now issued a [decision](#) finding that “the Final Rules are substantive in nature and exceed the scope of the USPTO’s rulemaking authority under 35 U.S.C. 2(b)(2). Consequently, the Court will ... void the Final Rules.”

It remains to be seen whether the USPTO will appeal this decision, and/or pursue additional avenues to implement the provisions of this highly controversial rules package.

In the meantime, however, the most important points are that:

- (1) the patent rules currently in force will remain unchanged, and
- (2) none of the provisions of the Final Rule will be brought into force.

---

Cohen Pontani Lieberman & Pavane LLP (CPLP) is an intellectual property firm serving a worldwide roster of companies from a diverse range of industries including avionics, pharmaceuticals, electronics, heavy machinery, biotechnology and telecommunications.

CPLP ([www.cplplaw.com](http://www.cplplaw.com)) is unique in its focus on intellectual property litigation that infuses every aspect of its IP work in prosecution of patents, trademarks, and copyrights; in drafting opinions and licenses, and in due diligence and transaction work. It is CPLP’s philosophy that no legal activity is so routine that it does not have the potential to become the weak link in IP protection, resulting in legal exposure or porous rights. Hence, the firm views all IP matters as potential litigations to be won or avoided and is positioned to provide world-class litigation services, as well as other highly skilled IP services to achieve wraparound IP protection at the highest level.