

POST-GRANT PROCEEDINGS CHART

	INTER PARTES REVIEW (IPR)	EX PARTE REEXAMINATION	POST-GRANT REVIEW (PGR)	COVERED BUSINESS METHOD PROCEEDINGS (program to end in 2020)
Eligible patents	Any patent	Any patent	A claim of the patent has an effective filing date on or after March 16, 2013	Only covered business method patents (i.e., includes claims to methods or corresponding apparatus related to financial products or services) filed on or before March 15, 2013
Who may request?	Anyone but the patent owner	Anyone	Anyone but the patent owner	Anyone but the patent owner, provided they have not been sued or charged with infringement of the patent
May requestor file anonymously?	No	Yes	No	No
Filing window	Any time during the patent's enforceable life, beginning nine months after patent issuance or date of termination of any PGR	Any time during the patent's enforceable life, beginning after patent issuance	No later than nine months after patent grant or reissue	Any time during the patent's enforceable life, beginning after patent issuance but no later than September 16, 2020
Grounds for filing	Lack of novelty (§102) or non-obviousness (§103)	Lack of novelty (§102) or non-obviousness (§103)	Any ground except lack of best mode (§112)	Any ground except lack of best mode (§112)
Threshold for instituting proceeding	Reasonable likelihood that petitioner would prevail with respect to at least one challenged claim	Substantial new question of patentability with respect to at least one challenged claim	More likely than not that at least one challenged claim is unpatentable or novel, or unsettled legal question important to other patents/applications	More likely than not that at least one challenged claim is unpatentable
Is discovery available?	Yes	No	Yes	Yes
May the parties settle before the PTAB has rendered a decision?	Yes	No	Yes	Yes
Is the PTAB's final decision appealable?	Yes—by either party to the US Court of Appeals for the Federal Circuit	Yes—by the patent owner to the US Court of Appeals for the Federal Circuit	Yes—by either party to the US Court of Appeals for the Federal Circuit	Yes—by either party to the US Court of Appeals for the Federal Circuit
Estoppel effects	Parties estopped from later arguing that which was raised or could have been raised	None	Parties estopped from later arguing that which was raised or could have been raised	Parties estopped from later arguing, before the PTAB or a civil court, that which was raised Parties estopped from later arguing, only before the PTAB, that which could have been raised
Effect of concurrent proceedings	No IPR may be filed by a party (1) that previously challenged the validity of a claim of the patent in a civil action, or (2) more than one year after being served with a complaint alleging infringement of the patent Any civil proceeding initiated after an IPR automatically will be stayed	None	No PGR may be filed after initiation of a civil proceeding challenging the validity of a claim of the patent Any civil proceeding initiated after a PGR automatically will be stayed	Pending civil action may be stayed