



## Appeals from the BPAI in Ex Parte Reexams

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Dennis Crouch has an interesting [post](#) from yesterday at [PatentlyO](#) on conflicting statutory provisions providing for appeals of rejections by the BPAI in ex parte reexamination proceedings, namely whether the patentee can appeal to the District of DC, or whether the Federal Circuit has exclusive jurisdiction over such appeals. Addressing this issue in [Sigram Schindler v. Kappos, 2009 WL 4981473 \(E.D. Va. Dec. 18, 2009\)](#), the Eastern District of Virginia agreed with the PTO's interpretation (found in 37 C.F.R. § 1.303 and in MPEP § 2279) that section 141 controls, and that appeals lie only at the Federal Circuit.

The [Reexamination Center](#) also has a good discussion of this issue [here](#).

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