



IPWatchdog

NYIPLA Urges Supreme Court Not to Award USPTO Staff Attorney Salaries as 'Expenses' in Patent Appeals to ED of Virginia

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On June 25, 2019, the New York Intellectual Property Association (NYIPLA) filed an [Amicus Brief](#) in support of the Respondent in [Peter v. NantKwest, Inc.](#), No. 18-801, pending before the Supreme Court. NantKwest raises the issue of whether patent applicants who are dissatisfied with U.S. Patent and Trademark Office (USPTO) decisions and subsequently appeal to the U.S. District Court of the Eastern District of Virginia must pay USPTO staff attorney salaries as part of “[a]ll the expenses of the proceedings” under 35 U.S.C. Section 145, which allows applicants to pursue a civil action against decisions of the USPTO Director.

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