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# **The Mechanism and Characteristics of the Revolutionary Patent Review System before the PTAB and an Empirical Review of Its Practice**

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## Abstract

The Leahy-Smith America Invents Act (AIA) establishes a new patent review system before the Patent Trial and Appeal Board (PTAB) of the United States Patent and Trademark Office. The purpose of the system is to review issued patents with a view to ensure a proper balance between the interests of patent right holders and that of the general public. The new review system is composed of three types of mechanisms, and the procedure of each type of mechanism has two distinct stages. On the one hand, the new procedure provides a patent challenger broader participation rights, and has strong adjudicatory characteristics. In this regard, the new procedure is a judicial proceeding in which parties resolve concrete disputes between them. On the other hand, the review procedure maintains strong administrative procedure characteristics and is a specialized agency proceeding. Indeed, the

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mixture of the characteristics and its procedural design are the hallmark of the efficiency and success of the new system.

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