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Today the U.S. District Court for the Eastern District of Virginia declared the proposed new rules governing claims and continuation applications to be void, because these rules were substantive in nature, and because these rules went beyond the scope of authority granted to the U.S. Patent and Trademark Office under the PTO's rule making authority of 35 U.S.C. §2(b)(2).

Consequently, the District Court granted Summary Judgment to Smithkline Beecham Corporation, and the other Plaintiff, and voided the Final Rules as "otherwise not in accordance with law" and "in excess of statutory jurisdiction [and] authority", pursuant to 5 U.S.C. §706(2).

In short, there is no limit for number of continuation applications that may be filed and there is no limit regarding the number of claims in a patent application.

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