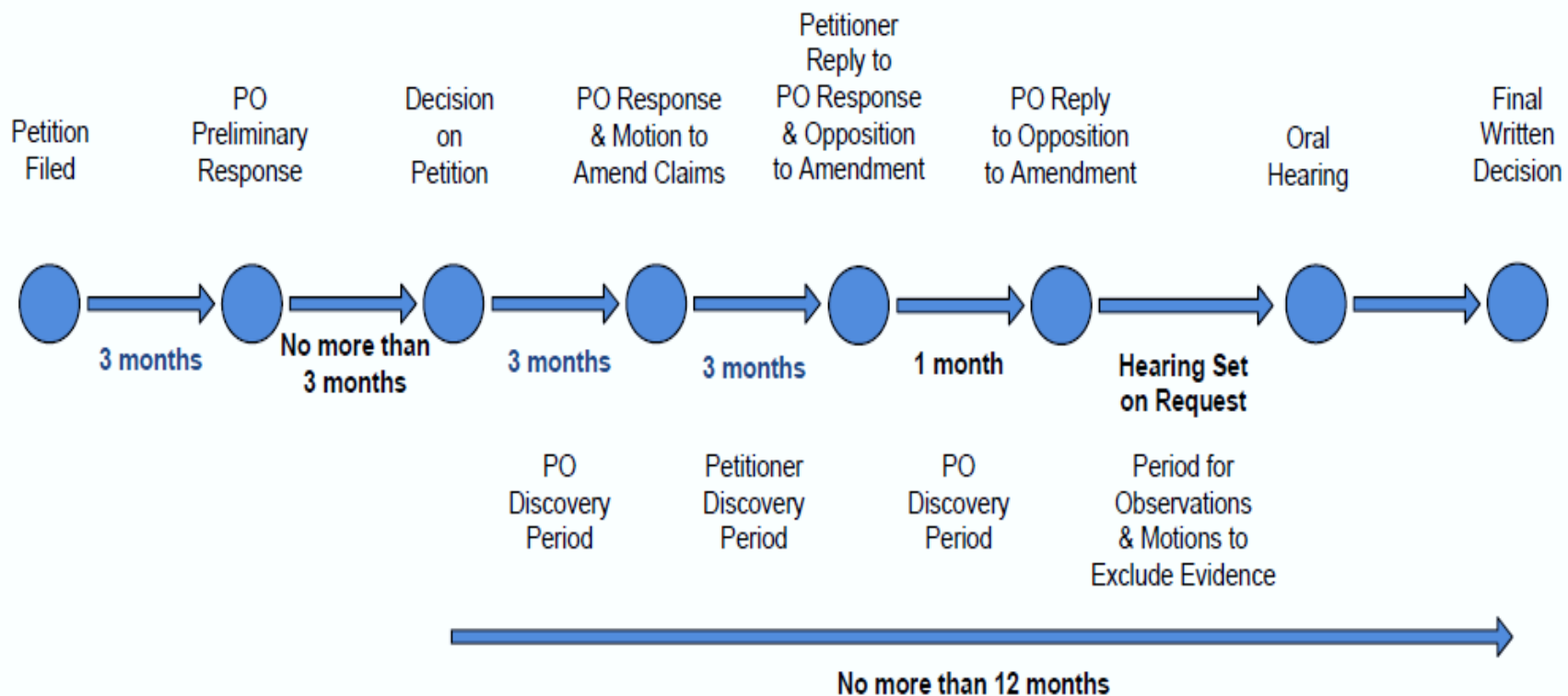


Patent Trial and Appeal Board Update

September 25, 2014



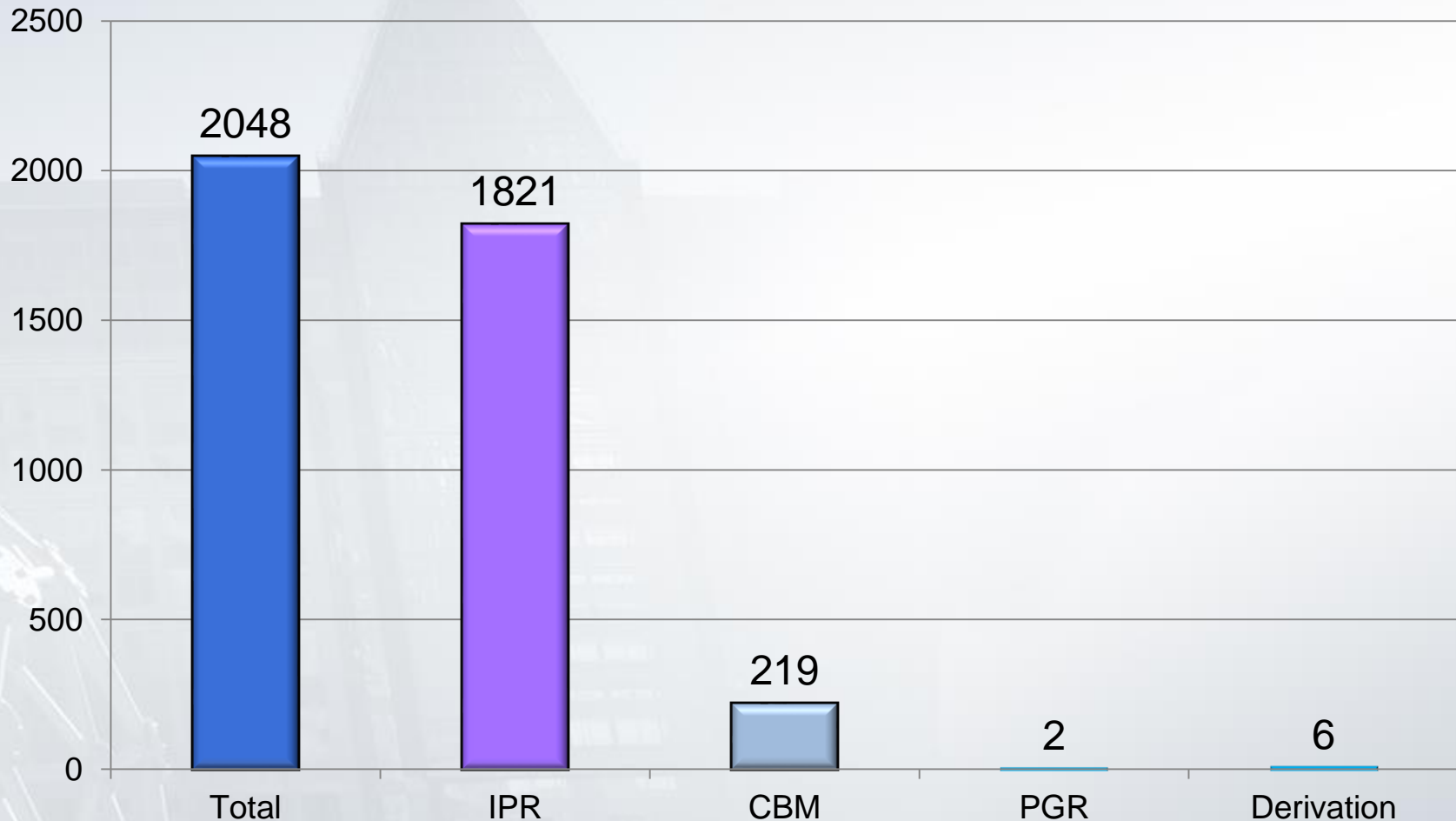
**Grace Karaffa Obermann, Lead Judge
United States Patent and Trademark Office
Patent Trial and Appeal Board**





AIA Petitions

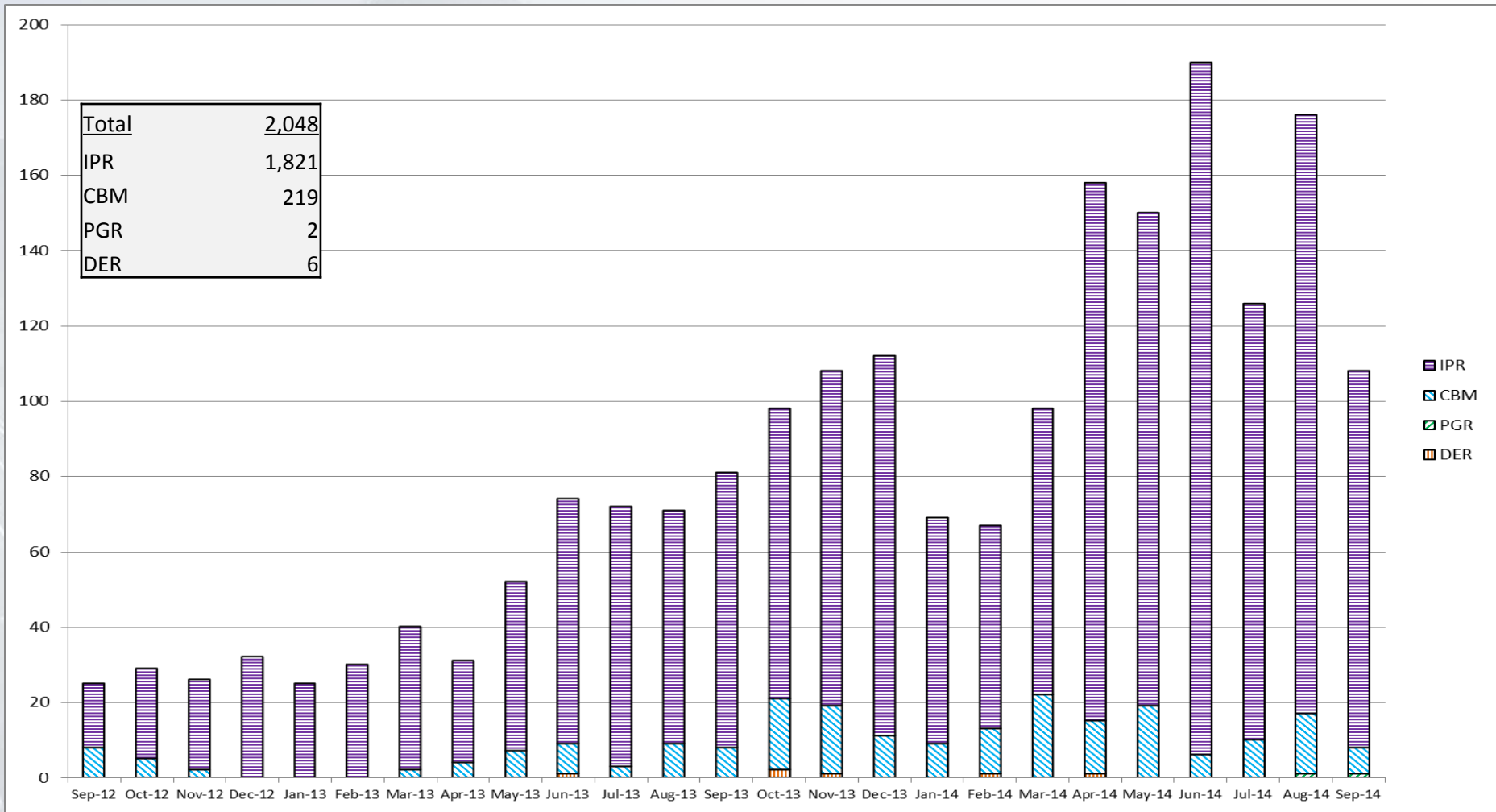
(Cumulative Numbers as of September 25, 2014)





AIA Progress (as of September 25, 2014)

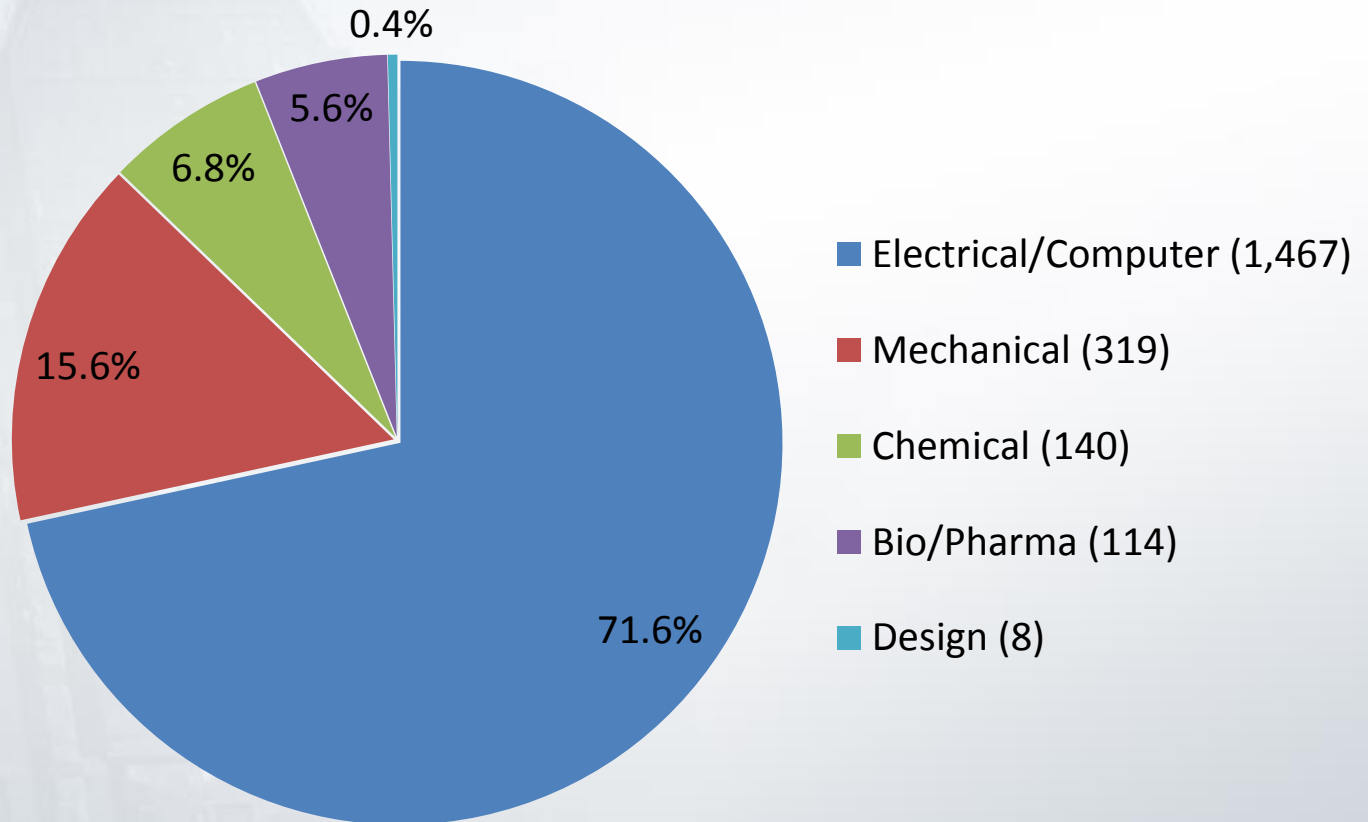
- AIA Monthly Filings





AIA Progress (as of September 25, 2014)

- AIA Petition Technology Breakdown





AIA Progress (as of September 25, 2014)

- Cumulative Patent Owner Preliminary Responses

	Filed	Waived
IPR	1,057	265
CBM	149	20



AIA Progress (as of September 25, 2014)

- AIA Petition Dispositions

		Trials Instituted	Joinders	Percent Instituted	Denials	Total No. of Decisions on Institution
IPR	FY13	167	10+	87%	26	203
	FY14	539	15+	75%	181	735
CBM	FY13	14		82%	3	17
	FY14	77	1+	75%	26	104
DER	FY14	-		0%	3	3



AIA Progress (as of September 25, 2014)

- AIA Final Dispositions

		Settlements	Adverse Judgments	Final Written Decisions
IPR	FY13	38	2	0
	FY14	210	39	129
CBM	FY13	3	0	1
	FY14	26	3	13



AIA Trial Feedback

- Nationwide listening tour conducted in April and May 2014
- Federal Register Request for Comments published in June 2014
 - <http://www.gpo.gov/fdsys/pkg/FR-2014-06-27/pdf/2014-15171.pdf>
- Submit comments to TrialsRFC2014@uspto.gov by October 16, 2014



Non-rule Specific Comments

- Requiring the parties to engage in settlement discussions
- Service of Notice of Appeal from PTAB final trial decision
- Fairness of trial continuance if parties settle
- Scope of estoppel
- PTAB issuance of precedential and informative decisions
- Availability of oral argument audio files and transcripts
- Notice of PTAB trial decisions
- Availability of trial statistics



Questions for Comment

- 17 questions posed for public input on many topics including:
 - Claim construction: Under what circumstances, if any, should the Board decline to construe a claim in an unexpired patent in accordance with its broadest reasonable construction in light of the specification of the patent in which it appears?
 - Amendment practice: What modifications, if any, should be made to the Board's practice regarding motions to amend?
 - Patent owner preliminary response: Should new testimonial evidence be permitted in a Patent Owner Preliminary Response?
 - Obviousness
 - Real party in interest
 - Discovery
 - Multiple proceedings
 - Oral hearing
 - Extension of 1 year statutory period