

I think that the proposed addition of pretrial conference filings is overall not a good idea. Lawyers tend to overkill pretrial orders, in part because they are afraid to leave anything out and have not truly honed their cases yet. This will be another layer of cost, and a significant one at that, and will take away some of the benefit of litigating in the TTAB.

I think that most cases litigated in the TTAB do not have voluminous evidentiary records, but, for those that do or might, limits could be set by the interlocutory judge perhaps. In other words, I do not believe that the pretrial order process will achieve the desired result, and may very well make it much worse.



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