

SAVE THE DATE—TTAB Roundtable February 19, 2015
The Evolution of Board Proceedings: A Look Ahead

TTAB will host a stakeholder forum on February 19, 2015, from 12:30 to 4:00 pm, to discuss how procedural rules and related processes for Board proceedings have evolved since the rulemaking of 2007; and the Board will discuss with stakeholders how their experiences, as well as those of the Board, may shape the future of Board appeal and trial proceedings.

The proceedings commenced at, and conducted by, the TTAB are set forth in the Trademark Act: ex parte appeals from refusals to register; oppositions to published applications; petitions to cancel issued registrations; and concurrent use proceedings, potentially involving multiple parties. While the proceedings and the Board's responsibility for them are established by the statute, rules promulgated by the USPTO specify how the proceedings are to be conducted; and numerous other processes adopted by the Board or the parties involved in proceedings before it also can affect practice. Governing rules are set forth in the Code of Federal Regulations; examples of non-rule processes that affect practice range from Board decisions on how to handle consented extensions and suspensions, the contents of the Board's standard protective order, and increasingly frequent decisions by parties to stipulate to particular methods for presenting evidence and arguments on the merits of a case.

Since governing rules were amended in 2007, various changes in practice have evolved through decisional law, from both the Board and the Court of Appeals for the Federal Circuit, and through actions of the Board and parties, as noted above. And significant changes to the Federal Rules of Civil Procedure are to take effect later this year. Also, the Board is entering a critical phase in the next two years that will influence the development of its electronic filing system and electronic proceeding file system. As the Board looks forward, it also looks back to assess processes or procedures that may need to be reviewed and to determine how future proceedings can be conducted as efficiently as possible.

The Board recognizes that stakeholders have important and useful ideas that need to be considered in the development of electronic systems, in addressing the impact of coming changes in the Federal Rules, and in all the processes and procedures that make for fair, transparent and efficient proceedings. Accordingly, the Board proposes a discussion with stakeholders that will look both back and ahead and leverage the experience of stakeholders to help adapt proceedings to changing circumstances.

While a precise agenda for the discussion will be developed and posted on the Board's web page prior to the event, some areas that have been identified for possible discussion include:

- Altering service requirements and the Board's methods for instituting proceedings and issuing orders, including through electronic means.
- Conferencing requirements for parties to trial cases, with each other or with the Board.
- Practices related to the filing and consideration of motions for summary judgment.
- The coming Federal Rules changes and discovery in Board trial cases.
- Making the introduction of appropriate evidence into trial records more efficient.
- Requests for reconsideration and remand in ex parte appeals.

This is only a preliminary list of topics for discussion and we welcome any additional suggestions or issues that our stakeholders wish to explore.

The roundtable will be open to anyone who wishes to attend in person and also will be webcast. We ask only that you register your intent to attend by sending an e-mail with your contact information to TTABRSVP@uspto.gov. Please indicate whether you intend to attend in person or via the web. Additional information will be forthcoming regarding the agenda and how to join the discussion via the web, in early February.

Thank you and we look forward to our discussion with you in February.