

Roundtable on Evolving TTAB Processes – February 19, 2015, 12:30 – 4:00 p.m.

E-Mail Service & Electronic Communication from the Board : *Can we move beyond first class mail?*

Extensions of time to Oppose: *Should the Board be more restrictive?*

Use of Protective Orders/Standard Protective Order: *Redefine proper use? Amend standard order?*

Federal Rules Changes. *Which of the changes to discovery practice should the Board opt out of?*

1. Rule 26(b)(1): A party may seek discovery of “any non-privileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case;”
2. Limit of 10 depositions per side to 5 depositions per side;
3. Presumptive length of each deposition from 7 hours to 6 hours;
4. Limiting Requests for Admissions to only 25;
5. Limiting interrogatories from 25 to 15;
6. Rule 34(b)(2)(B) will now mandate that objections to document requests be stated with specificity. Proposed Rule 34(b)(2)(C) directs that the responding party state whether it is actually withholding materials on the basis of any objection;
7. Allowing parties to propound discovery request prior to holding a discovery conference to aid focused discussion of those document demands during the discovery conference.

The amendments also call for active case management and pretrial orders, as well as shortening the time to serve a complaint from 120 days to 60 days from filing.

Testimony: *Allow any party to elect use of affidavits/declarations and/or live cross exam?
Streamline rules regarding transcription and submission of live deposition transcripts?*

Notices of Reliance: *Allow submission of produced documents by Notice of Reliance?*

Judicial Notice: *Allow requests at trial for USPTO Records? How to avoid overburdening ATJs?*

Extensions/Suspensions for Settlement Talks: *How many? How long? At what stages of proceeding?*

Conferences & Motions for Summary Judgment: *When do parties conference with the Board?
Partial Summary Judgment?*

Recommendations for cases with pro se party: *Discovery conference involving Board?*

“Terminating” Trial Cases: *Document retrieval by parties?*

Expungement proceeding/Appeal to Board/Expedited version of Cancellation

Jettison Interferences??

Ex Parte Appeals: *Recons/Remands and their use? Judicial Notice?*

PARTICIPANTS:

ABA-IP Theodore H. Davis Jr., Kilpatrick Townsend; Rebecca Gan, Young & Thompson
ACC (Invited)
AIPLA David A. Einhorn, BakerHostetler
INTA Thomas W. Brooke, Holland & Knight; Scott J. Pivnick, Alston & Bird
IPO Allison Strickland Ricketts, Fross Zelnick Lehrman & Zissu

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.

LOCATION FOR IN-PERSON ATTENDANCE:

USPTO, 600 Dulany Street, Alexandria, VA 22314

Madison North Auditorium. To reach the auditorium from the Dulany Street entrance, walk South through the atrium and take either stairway down to the concourse level. Make a u-turn and walk North to the auditorium.

INSTRUCTIONS FOR AUDIENCE ACCESS TO WEBCAST:

Event address for attendees: <https://uspto-events.webex.com/uspto-events/onstage/g.php?MTID=e930088984d2e88174c9764d3e36b7614>
Date and time: Thursday, February 19, 2015 12:00 pm
Eastern Standard Time (New York, GMT-05:00)
Duration: 4 hours
Event number: 991 535 780
Event password: 123456

Audio conference:
Call-in toll number (US/Canada)
1-650-479-3208
Access code: 991 535 780

Captions Link: <http://www.captionedtext.com/client/embed.aspx?EventID=2543478>