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To: [TrialRFC2018Amendments](#)
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As the proposed MTA rules add a number of additional briefs on a highly compressed timeline, the PTAB should consider simplifying the proceedings by allowing the PO to choose to either **amend** (their claims) or **respond** (to the Petition and Decision to Institute), but not both. This will significantly reduce the burden on both parties, and is similar to what happens during both prosecution and reexaminations, i.e., the Applicant (during prosecution) or the Patent Owner (during reexamination) chooses to amend the claims or to argue for the allowability/patentability of the claims, but not both. I.e., the patent owner does not amend their claims and argue for the allowability of the unamended claims.

Providing this option is fair, as even under the current procedures, the PO gets to choose how the proceeding will proceed, and if they choose to amend their claims they have effectively given up on the original claims (and telegraph such to the Petitioner and panel), but must still proceed with the other briefing.

Under the proposal above, if the PO chooses to amend, dropping the Patent Owner Response, Petitioner Reply, and Patent Owner Sur-Reply will be a huge relief to both parties who can now focus on the true issue, which is the MTA. This will remain true to Congress' intent to keep these proceedings simple and inexpensive.

Thanks for considering this.

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