



October 16, 2014

The Honorable Michelle K. Lee
Deputy Under Secretary of Commerce for Intellectual Property
and Deputy Director of the United States Patent and Trademark Office
600 Dulany Street
Alexandria, Virginia 22313

Re: Innovation Alliance Comments in Response to the Notice *Request for Comments on Trial Proceedings Under the American Invents Act Before the Patent Trial and Appeal Board*, Federal Register Vol. 79, No. 124, June 27, 2014.

Dear Deputy Director Lee:

The Innovation Alliance appreciates the opportunity to submit comments on the trial proceedings under the American Invents Act (“AIA”) before the Patent Trial and Appeal Board (“PTAB”). We are a coalition of research and development-focused companies who believe in the critical importance of maintaining a strong patent system that supports innovative enterprises of all sizes.

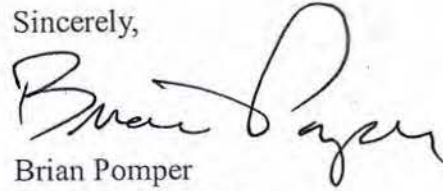
The Innovation Alliance shares the views articulated in the September 16, 2014 submission by the Intellectual Property Owners Association (“IPO”). In particular, we agree with IPO’s points concerning the PTAB’s use of the “broadest reasonable interpretation” claim construction standard, the effectively illusory right to amend in PTAB proceedings, the need for testimonial evidence in the patent owner’s preliminary response, and the desirability of a patent owner being able to raise a challenge regarding the “real party in interest” at any time during a proceeding.

Taken together, we are concerned that the current structure and substance of PTAB proceedings are tilted far too heavily toward petitioners and thereby undermine effective patent rights. Congress intended that the post-grant review system be a faster and less expensive alternative to patent litigation, but it did not intend to put a thumb on the scale against patents.

The Innovation Alliance would welcome the opportunity to work with the USPTO to implement rule changes that rebalance PTAB proceedings to make them fair both for patent

holders and post-grant challengers.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Pomper". The signature is fluid and cursive, with the first name "Brian" written in a larger, more prominent script than the last name "Pomper".

Brian Pomper
Executive Director
Innovation Alliance