

From: Lelkes [e-mail address redacted]
Sent: Friday, September 30, 2011 4:38 PM
To: aia_implementation
Subject: Observations and proposal for post grant disputes

Dear Ms. Gongola,

In response to the invitation on the U.S. PTO microsite on the AIA and the opportunities for public input shown in your presentation of August 31, 2011, I submit the attached cover letter, observations and proposed rules for consideration by your team. The observations and proposed rules are based on my experience as a former U.S. patent examiner, a practitioner before the U.S. PTO (including inter partes proceedings), and a practitioner before the European Patent Office.

My experience as a patent practitioner in EPO patent opposition proceedings has generally been positive. I look forward to experiencing a U.S.-style patent opposition system that also provides a highly skilled and fair forum for testing the validity of patents.

Sincerely,

Robert Lelkes
Munich, Germany

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September 30, 2011

Janet Gongola
Patent Reform Coordinator
United States Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Re: Concerning implementing regulations for post grant disputes

Dear Ms. Gongola:

The U.S. PTO has an historic opportunity to implement a post grant patent dispute resolution system based on global best practices. As a former PTO examiner, registered U.S. patent attorney, and European patent attorney active in the patent field for more than 25 years, I would like to make some observations and suggestions regarding implementation of the Leahy-Smith America Invents Act post grant dispute provisions which will go into effect on September 16, 2012.

Attached are:

- (a) A one page summary of observations regarding potential problems to be addressed by the implementing regulations and
- (b) proposed implementing regulations to address the potential problems discussed in (a).

It is my hope that this contribution will facilitate discussion regarding the development of appropriate Section 6 implementing regulations.

For more information regarding my qualifications, see www.thepatentpro.com.

Respectfully submitted,



Robert S. Lelkes

Attachments:

- ✓ Summary of observations
- ✓ Proposed implementing regulations

