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To: aia_implementation
Subject: Comment for AIA Proposed Rules for Contested Proceedings -
Trial Practice Before the Patent Trial and Appeal Board

This is my suggestion for an addition to the rules for Part 42 -
Trial Practice Before the Patent Trial and Appeal Board.

At the conclusion of the trial, in most cases, there will be an oral argument (42.70). I suggest that prior to the oral argument, each party should submit to the Board a summary of the issues, facts and law, very much like a pre-trial brief in district court. This should force the parties to focus on the essential controlling matters in dispute and can also assist the judges in more quickly identifying the important evidence for the critical issues.

This can be included as §42.70 (c). Suggested language is as follows:

§42.70 (c) At least 10 days prior to the date set for the oral hearing, each party shall file a summary statement which includes at least an identification of the relevant issues and the facts and law supporting the party's position for each issue. The Board may set a page limit for the summary statement based on the number of issues, the complexity of the issues and the amount of discovery which has been taken.