

# Improving Inter Partes Reexamination

First Annual BPAI CLE Conference  
April 7, 2010

# Panelists & Moderator

- Gregory Morse, CRU Director
- Brad Pedersen, Partner, Patterson, Thunte, Skaar & Christensen, P.A.
- W. Todd Baker, Partner, Oblon, Spivak, McClelland, Maier & Neustadt, L.L.P.
- Moderator: Stephen Kunin, Partner, Oblon, Spivak, McClelland, Maier & Neustadt, L.L.P.

# Discussion Topics for Improving IPR

- 1. Do the current IPR procedures and practices satisfy the objectives for IPR? If not, what process improvements during examination and appeal are needed to refocus the procedures to focus on just the patentability of the claims?
- 2. What should be done to address CRU and BPAI workload and timeliness issues? Is this a staffing issue or process improvement issue?
- 3. What should be done to force narrowing of the issues between RAN and appeal briefs?
- 4. Should interviews be permitted in IPR? How should they be structured to advance the proceedings and narrow the issues?

# Discussion Topics for Improving IPR

- 5. Should the SNQ standard be changed especially as regards to proposed SNQ that are cumulative to each other?
- 6. Should interference like case management principles be used in IPR, such as handling of petitions, and interviews, if permitted?
- 7. How should counsel representing the Patent Owner in light of the Larson/McKesson rulings balance the duty of candor under 1.555, 1.97 and 1.933 and with compliance with the procedures under MPEP 2686 for notifying the Office about concurrent proceedings?

# Thank You

- For more information on IPR, please review the conference papers prepared by our panelists
- Our panelists invite your questions as time permits