



June 17, 2024

Kalyan Deshpande, Vice Chief Administrative Patent Judge  
Amanda Wieker, Acting Vice Chief Administrative Patent Judge  
U.S. Patent and Trademark Office  
600 Dulany Street  
Alexandria, VA 22314

**Submitted via: <https://www.regulations.gov>**

Dear Vice Chief Judges Deshpande and Wieker:

Intellectual Property Owners Association (“IPO”) appreciates the opportunity to respond to the USPTO’s Notice of Proposed Rulemaking (NPRM), published in the *Federal Register* on April 16, 2024, concerning Rules Governing Director Review of Patent Trial and Appeal Board Decisions, 89 Fed. Reg. 26,807 (Apr. 16, 2024).

IPO is an international trade association representing a “big tent” of diverse companies, law firms, service providers and individuals in all industries and fields of technology that own, or are interested in, intellectual property rights. IPO membership includes over 125 companies and spans over 30 countries. IPO advocates for effective and affordable IP ownership rights and offers a wide array of services, including supporting member interests relating to legislative and international issues; analyzing current IP issues; providing information and educational services; supporting and advocating for diversity, equity, and inclusion in IP and innovation; and disseminating information to the public on the importance of IP rights.

IPO’s vision is the global acceleration of innovation, creativity, and investment necessary to improve lives. The Board of Directors has adopted a strategic objective to foster diverse engagement in the innovation ecosystem and to integrate diversity, equity, and inclusion in all its work to complement IPO’s mission of promoting high quality and enforceable IP rights and predictable legal systems for all industries and technologies.

IPO supports the USPTO’s mission to drive innovation, entrepreneurship, and creativity for the benefit of all Americans and people around the world. IPO recommends that the USPTO adopt the proposed rules. The proposed rules reasonably:

- limit requests for Director Review to parties to the proceeding;
- limit requests for Director Review to final written decisions, decisions on institution, and decisions granting rehearing of such decisions;
- require parties to choose between requesting Director Review or rehearing by the panel;
- adopt the criteria and standard of review from the current Interim Process;
- impose a 21-day deadline on *sua sponte* Director Review; and
- do not make Director Review decisions precedential by default.

President  
**Krish Gupta**  
Dell Technologies

Vice President  
**John Cheek**  
Tenneco Inc.

Treasurer  
**Yen Florczak**  
3M Innovative Properties Co.

Directors  
**Steve Akerley**  
InterDigital  
**David Alban**  
Xylem  
**Brett Aiten**  
Hewlett Packard Enterprise  
**Matthew Anderson**  
Medtronic, Inc.  
**Ron Antush**  
Nokia of America Corp.  
**Estelle Bakun**  
Exxon Mobil Corp.  
**Scott Barker**  
Micon Technology, Inc.  
**Thomas Beall**  
Corning Inc  
**Tyrome Brown**  
Dolby Laboratories  
**Karen Cochran**  
Shell USA, Inc.  
**Tonya Combs**  
Eli Lilly and Co.  
**Anthony DiBariolomeo**  
SAP SE  
**Daniel Enebo**  
Cargill Inc.  
**Andrea Evensen**  
Danaher Corp.  
**Louis Foreman**  
Enventys  
**Scott M. Frank**  
AT&T  
**Darryl P. Frickey**  
Dow Chemical Co.  
**Tanuja Garde**  
The Boeing Co.  
**Mike Geise**  
General Mills, Inc.  
**Robert Giles**  
Qualcomm, Inc.  
**Laura Ginkel**  
Merck & Co., Inc.  
**Henry Hadad**  
Bristol-Myers Squibb Co.  
**Scott Hayden**  
Amazon  
**Thomas R. Kingsbury**  
Bridgestone Americas  
Holding Co.  
**Laurie Kowalsky**  
Koninklijke Philips N.V.  
**Christine Lam**  
NetApp  
**Hsin Lin**  
The Goodyear Tire &  
Rubber Co.  
**Alexander Long**  
GE Aerospace  
**Ceyda Maisami**  
HP Inc.  
**Aseem Mehta**  
Bayer Intellectual  
Property GmbH  
**Kelsey Milman**  
Caterpillar Inc.  
**Jeffrey Myers**  
Apple Inc.  
**Robin Nava**  
SLB  
**Troy Prince**  
RTX Corporation  
**Kaveh Rashidi-Yazd**  
Eaton Corp.  
**Corey Salsberg**  
Novartis  
**Matthew Sarboraria**  
Oracle Corp.  
**Derek Scott**  
Roche, Inc.  
**Laura Sheridan**  
Google Inc.  
**Jessica Sinnott**  
DuPont  
**Thomas Smith**  
GlaxoSmithKline  
**Daniel Staudt**  
Siemens Corp.  
**Gillian Thackray**  
Thermo Fisher Scientific  
**Brian Tomko**  
Johnson & Johnson  
**Mark Vallone**  
IBM, Corp.  
**Stuart Watt**  
Amgen, Inc.  
**Bryan Zielinski**  
Pfizer Inc.

General Counsel  
**Lauren Leyden**  
Akin Gump Strauss  
Hauer & Feld LLP

Executive Director  
**Jessica K. Landacre**

The proposed rules do not, however, set a deadline by which Director Review must conclude. A rule setting forth a time limit would provide parties with certainty regarding the time in which a proceeding will end for purposes of an appeal to the Federal Circuit or the lifting of a stay that may have been instituted by a district court.

Sincerely,

A handwritten signature in black ink that reads "Krish Gupta". The signature is written in a cursive style with a long, sweeping tail on the letter "a".

Krish Gupta  
President