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:


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.
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,

[Signature]

Krish Gupta
President