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Sent: Sunday, February 26, 2012 6:26 PM  
To: ai\_a\_implementation  
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Subject: Derivation Proceedings

Good afternoon,  
Based on Group 3 Rulemakings  
Federal Register Volume 77, Number 28 (Friday, February 10, 2012)  
Proposed Rules/Pages 7028-7041  
[FR Doc No: 2012-2535]

I agree with the assessment to change the practice of derivation proceedings by the board of the United States Patent and Trademark Office (USPTO) to put into practice a derivative proceeding based on the provisions of the Leahy-Smith America Invents Act. Based on 35 USC 135 it does seem to help streamline and make patents available to "original inventors" by having the first person who submits the application will be the original inventor based favorable preconditions. Although, the Patent Trial and Appeal Board (PTAB) gave empowerment to the derivative proceedings to make the final call, the board has the right to question in case something is brought into question according to the 35 USC 135 (d). This is a big step ahead from derivation interface who can make a judgment call but do not have the right to make the final decision on who is or not entitled to a patent. All of this does not necessarily mean the PTAB will not review the final settlements after the determinations have been made by the derivations proceedings. Furthermore, the PTAB shall act consistently with the final ruling unless the PTAB finds any reason that is inconsistent with what is displayed on file. These are preset conditions passed by the House and Senate under 35 USC 135.

Ultimately, the idea sounds great, and I thought it would cause more of a hinder than a positive affect, but implementing this proposal is a step in the right direction towards taking corrective and proper measures to authorizing someone a patent based on information given. I believe this will help create less of a headache on the PTAB as they are quickly assisted by the derivation proceedings, especially now, when patent legal cases are more predominately known.

Kind regards,

Concerned Citizen