


## Comment from Michael Goodman

This is a Comment on the **Patent and Trademark Office (PTO)**  
Proposed Rule: **Miscellaneous Changes to Trademark Trial and  
Appeal Board Rules of Practice**

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Comment Period Closed  
Jun 3 2016, at 11:59 PM ET

### Comment

In response to: "The Office proposes to amend 2.122(a) to clarify the title of the subsection and to specify that parties may stipulate to rules of evidence for proceedings before the Board. The Office proposes to further amend 2.122(a), consistent with 2.120(k)(7), to add that when evidence has been made of record by one party in accordance with these rules, it may be referred to by any party for any purpose permitted by the Federal Rules of Evidence. The proposed amendments codify current Office practice."

Comment: "The Board should recognize that once evidence has been seen, that bell cannot be un-rung. Instead, there should be a judge who sees only the evidentiary issues, hears the arguments from each side as per the Federal Rules of Evidence, and decides whether the board of Administrative Law Judges should see the evidence. The intermediary judge should make his or her own inquiries and decisions pursuant to Federal Rules of Evidence 104(a) or 104(b)."

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