

TTAB Proposed Rule Changes

I wish to modify the comment I submitted on May 31, 2016, which can be found at 1k0-8pxq-5sae, as follows:

- 1) The option to submit testimony by declaration or affidavit subject to cross-examination provides that the party seeking cross-examination “bear the expense of oral cross-examination of that witness.” § 2.123. It is unclear what expense is contemplated.
- 2) The shortening of the discovery period designed to lead to a quicker determination may not have the desired result. A party can thwart the objective by refusing to answer, thus forcing the adversary to bring a motion to compel.
- 3) It is questionable whether speeding up proceedings is an advantage. As previous statistics show, well over 90% of TTAB cases are withdrawn, defaulted, or settled and do not require a final decision. A major advantage of the slower paced proceedings is the time provided to permit resolution of the dispute without significant financial investment.

Hope these comments are helpful,

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