

## Joe Matal in Law360 Article: 'PTAB Aims to Lessen Influence Concerns with New Process'

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**PRACTICES** Patent Litigation, Patent Office Trials, Patents, Intellectual Property

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Joseph Matal, a partner in Haynes Boone's Intellectual Property practice group, was quoted in a *Law360* article titled "PTAB Aims to Lessen Influence Concerns with New Process." Read below:

A new U.S. Patent and Trademark Office process for reviewing draft Patent Trial and Appeal Board decisions before issuance provides welcome clarity about the board's behind-the-scenes operations and seeks to defuse concerns that the USPTO director influences outcomes, attorneys say.

The process outlined in an announcement Thursday explains that PTAB panel decisions in America Invents Act reviews are circulated among another group of PTAB judges before they are issued to solicit feedback about potential conflicts or inconsistencies with the law or other decisions. ...

Joseph Matal of Haynes Boone, who led the USPTO on an interim basis in 2017 and 2018, said that "these interim rules bring welcome clarity and transparency to internal PTAB review processes" and "represent a clean break from whatever occurred in the past."

The new process appears to be not much different from the office's previous system, "but it will build confidence in the PTAB system to let the public know exactly how these peer reviews work," he said.

"The interim rules also appear to dispense with any pre-issuance review of PTAB decisions by political appointees or management, and that is a good thing," Matal said. "The director and her delegates already have full power, affirmed by *Arthrex*, to revise PTAB decisions after they issue. That power should be exercised in public and on the record, not behind closed doors."

He noted that if board judges felt pressured to adopt a senior official's views as their own, it would deny due process to parties, who have a right to know who decided their case.

To read the full article, click [here](#).