

PTAB Bar Association Inaugural Conference Award

Director Michelle Lee



Introductory Remarks – Bob Steinberg:

The PTAB Bar Association would like to congratulate Michelle K. Lee on receiving the Inaugural Conference Award! Below are remarks from President Bob Steinberg:

“On behalf of the Board of Directors of the PTAB Bar Association, I have both the honor and privilege of awarding our Inaugural Conference Award to a very special person – Michelle Lee, Undersecretary of Commerce and Director of the USPTO. Inscribed on this plaque (bent glass award), this award is being presented to you for two reasons. First, in recognition for inspiring the formation of the PTAB Bar Association through your early encouragement and support, and second, your outstanding leadership, dedication and service implementing the America Invents Act and improving the quality of United States Patent Rights, as well as your many other accomplishments.

With respect to the formation of the PTAB Bar Association, Director Lee had a critical role from the beginning. Many of you who were early members of the PTAB Bar “working group” know this already. A little over a year ago at the very inception of this association, we

reached out to Director Lee to find out if it would be helpful to the work of the Agency to form the PTAB Bar Association. Welcoming as much input from the public as possible to carry out the work of the PTAB, you encouraged the formation of the PTAB Bar Association to provide just such input. With this initial indication of support and encouragement, a group of passionate practitioners who wanted to form this Bar Association was assembled. This small group of practitioners formed what became called the “working group.” The purpose of the “working group” was to recruit others interested in forming the bar association, work out the details for forming the PTAB Bar Association and eventually launch the association. It’s very first task was the formation of a charter, spelling out the goals and mission of this bar association. Over forty firms signed onto the charter. Once the charter was signed, we approached Director Lee to obtain approval from USPTO be able to use “PTAB” in our url and logo. Without these critical consents there was little reason to move forward with our efforts to form the association. With these consents, we could achieve lift off. Director Lee paved the way by giving us these critical consents without hesitation. We were able to quickly set course, raise seed funding, prepare a website, launch this Bar Association and sell out this Inaugural Conference – not bad.

By giving us these consent, we recognize that we have a very tall responsibility – to serve the interests of the entire PTAB legal community and all related stake holders with one of the very finest bar associations in the country. This is our goal and we intend to execute it dutifully.

Turning now to the second item for recognition of your numerous accomplishments as the Under Secretary of Commerce and Director of the USPTO including implementation of the AIA and launching one of the most comprehensive focuses on patent quality.

As we all know, PTAB proceedings have significantly changed the patent landscape – both litigation and prosecution. We have had more than 6,000 PTAB petitions filed to date, and these proceedings are meeting the Congressional mandate of providing a faster, more cost efficient quality check on patents. Director Lee, you fostered an open dialog between the bar community, stakeholders and the PTAB to help with improving this system (e.g. through additional rule making, and public comments) to make it fair and efficient for all parties involved. In part, these efforts helped to inspire the formation of this bar association – to further assist in an organized way improving the entire PTAB system for everyone involved.

Additionally, you embarked on an effort to enhance patent quality. You said “There is a cost to society when the USPTO issues a patent that should not issue, just as there is a cost to society when we don’t issue a patent that should issue. That’s why enhancing the quality of the patents in our system has been a top priority” of yours throughout your tenure as Director of the USPTO. Quality means “issuing patents that are: accurate, according to requirements of the law, clear, and provide public notice of the patent’s boundaries, and consistently issued across the entire patent examination corps.” You enhanced the quality of patents by launching the Enhanced Patent Quality Initiative, EPQI (led by a new Deputy Commissioner).

Under EPQI, you introduced a number of initiatives including greater written explanations of (1) the reasons for allowance, and (2) the examiner’s claim interpretations; as well as getting the most relevant prior art before examiners as early as possible and improving how to measure patent quality for accuracy as well as clarity. All of these efforts have led to greater quality and consistency in the patents issued.

All of this is in addition to standing up 3 of the 4 regional offices, reducing the backlog and pendencies of patent applications by a third from its all-time high, and breaking the glass barrier by serving as the first woman Under Secretary of Commerce for Intellectual Property and Director in our country's 200+ year history.

Director Lee, please accept this award in recognition of all of your many accomplishments and in support of our PTAB Bar Association efforts.”

Brief acceptance remarks from Director Lee:

“Good afternoon everyone. It's a real pleasure to be here with you today. Thank you, Bob, for those kind and generous remarks. And deep and heart-felt thanks to you, President-Elect Erica Arner and the other board members for selecting me, at your Inaugural Conference, as the first recipient of the PTAB Bar Association's Award.

I am humbled and honored. But, as any good leader knows, none of the types of initiatives and accomplishments you so graciously described gets done without the help, support and dedication of an incredible team, and I want to thank them as well.

And, a huge congratulations, too, to everyone who had a hand in envisioning and establishing this bar association (I understand you already have 800 members and growing), and putting together an incredibly relevant program.

What a fantastic conference. In fact, I'm told this conference sold out long ago and has about 400 participants today! Let me just say, it is so important that we have groups like the PTAB Bar Association to foster a constructive dialog among bar members, the agency, and innovators of (1) all sizes (2) at all phases and (3) from all industries.

These issues are important, complex and nuanced. And it is vital that everyone work together to get these issues right for the benefit of innovators.

So, thank you, in advance, for what I know will be a productive collaboration. Thank you for caring so deeply, as do I, about our IP system, and for being good stewards of it, and thank you most humbly for honoring me with your first award.”