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**From:** Craig Hayden <chayden@tarolli.com>  
**Sent:** Saturday, April 07, 2012 11:08 AM  
**To:** Inter\_Parties\_Review  
**Subject:** Inter Partes Review (Response to Proposed Rules)

ATTN: Cynthia L. Nessler  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Associate Commissioner for Patent Examination Policy

Dear Ms. Nessler:

With regard to the proposed Inter Partes Review (IPR) rules, I have the following questions:

1. Regarding the estoppel provision (i.e., estopping a petitioner from raising a ground that petitioner raised or reasonably could have raised), by what standard will the term “reasonably” be applied or interpreted? Will there be a knowledge component (e.g., known or could have known)? Will there be a diligence component (e.g., should have taken some action based on some factor(s))? Clarification is requested.
2. Regarding the new standard for granting IPR, how will the term “reasonable likelihood” be applied or interpreted? Will it be “more likely than not”? Will it be more or less strict than the standard for Post-Grant Review? Clarification is requested.
3. How broad will discovery during IPR be? Surely, it will be narrow than discovery allowed during district court litigation. Where will limitations on discovery be implemented (e.g., time period, document length, number of available motions, etc.)? Clarification is requested.
4. Who will control the discovery process? Will it be one or more Administrative Patent Judges? Or, will it be a designated magistrate? Clarification is requested.

Thank you for this opportunity to comment on the proposed IPR rules.

Best regards,

Craig  
(Reg. No. 58,077)

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