



# USPTO announces emphasis on transparency as it works to formalize Director review process

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WASHINGTON – The United States Patent and Trademark Office (USPTO) is increasing transparency through updates on the [interim process for Director review webpage](https://web.archive.org/web/20220422214215/https://www.uspto.gov/patents/patent-trial-and-appeal-board/interim-process-director-review) (<https://web.archive.org/web/20220422214215/https://www.uspto.gov/patents/patent-trial-and-appeal-board/interim-process-director-review>) and through a new webpage that provides the [status of Director review requests](https://web.archive.org/web/20220422214215/https://www.uspto.gov/patents/patent-trial-and-appeal-board/status-director-review-requests) (<https://web.archive.org/web/20220422214215/https://www.uspto.gov/patents/patent-trial-and-appeal-board/status-director-review-requests>), as it formalizes the Director review process.

In response to the U.S. Supreme Court’s decision in *United States v. Arthrex, Inc.*, which provided a new, tailored remedy to ensure that administrative patent judges function as inferior officers, the USPTO implemented the interim Director review process. Today, the USPTO announced its intent to keep the current interim Director review process in place while it formalizes the process after stakeholder input.

“In the coming weeks, we intend to issue a Request for Comment (RFC) on the Director review process and related processes the USPTO uses to promote innovation through consistent and transparent decision-making and the issuance and maintenance of strong patents,” said Under Secretary of Commerce for Intellectual Property and Director of the USPTO Kathi Vidal. “We plan to formalize these processes once we hear from a broad range of stakeholders.”

In addition to providing more details on the Director review process, Director Vidal “strongly encourage[d] parties to provide a priority-ranked list of issues being raised.” Issues that may warrant review by the Director include:

- Issues that involve an intervening change in the law or USPTO procedures or guidance
- Material errors of fact or law in the Patent Trial and Appeal Board (PTAB) decision
- Matters that the PTAB misapprehended or overlooked
- Novel issues of law or policy
- Issues on which PTAB panel decisions are split
- Issues of particular importance to the Office or patent community
- Inconsistencies with Office procedures, guidance, or decisions

**CONTACT: (Media Only)**

Paul Fucito or Mandy Kraft  
(571) 272-8400 or  
[paul.fucito@uspto.gov](mailto:paul.fucito@uspto.gov)  
(<https://web.archive.org/web/20220422214215/mailto:paul.fucito@uspto.gov>) or  
[mandy.kraft@uspto.gov](mailto:mandy.kraft@uspto.gov)  
(<https://web.archive.org/web/20220422214215/mailto:mandy.kraft@uspto.gov>)

To provide feedback prior to issuance of the RFC, email [Director\\_Review\\_Suggestions@uspto.gov](mailto:Director_Review_Suggestions@uspto.gov) ([https://web.archive.org/web/20220422214215/mailto:Director\\_Review\\_Suggestions@uspto.gov](https://web.archive.org/web/20220422214215/mailto:Director_Review_Suggestions@uspto.gov)).

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