

TRAILBLAZERS

INTELLECTUAL PROPERTY

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PIONEER SPIRIT In 1980, Mike Fleming was working as an electrical engineer. He was interested in the law but unsure how to transfer to a new career. Then Fleming noticed that the USPTO was advertising for examiners. "I also noticed that the Patent Office would pay for examiners to go to law school." So he applied, was hired and got his law degree.

TRAILS BLAZED Fleming served as chief administrative patent judge at what is now the Patent Trial and Appeal Board. Congress was crafting the post grant and other provisions of the America Invents Act, and he helped draft those. "It had to be cheaper, quicker and provide certain safeguards." As chief judge, he also helped prepare the board to take on its new role. "I provided judicial training, reorganized the management structure and created new positions so that there would be efficient operations. I also professionalized several of the key positions such as hiring paralegals." In addition, he issued official standard operating procedures for the board. "One is pretty important: a procedure for issuing presidential decisions that helps the board act cohesively. All this laid the foundation so the board could be successful in taking on this huge task."

FUTURE EXPLORATIONS The U.S. Constitution shows an appreciation of the value of IP. "Today, we need to encourage both innovation and competition. They can be in conflict, so we need a world-class patent system that understands that balance. The patent community must work together to implement post-grant reviews, and I'm encouraged by how it's going."

