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Request for Comments on Discretion to Institute Trials Before the Patent Trial and Appeal Board

Comment On: PTO-C-2020-0055-0001

Discretion to Institute Trials Before the Patent Trial and Appeal Board

Document: PTO-C-2020-0055-0252

Comment from Helgaleena H

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General Comment

Andre Iancu, President Trumps Director of the U.S. Patent and Trademark Office, is trying to push through permanent rule changes that would destroy the post-grant review system.

Iancu is proposing rule changes that will sabotage the system that lets the Patent Office cancel bad patents. Congress created the IPR system in 2011, as part of the America Invents Act. It allows members of the public to go to the Patent Trial and Appeal Board and present evidence that a patent is invalid.

Thats crucial because more than 300,000 patents are granted each year, especially in the fields of software and technology; yet more than half of patents that go trial turn out to be invalid. The rate is even higher in IPR cases that go to a final decision: more than 60% of the time, PTAB judges find that all the patents claims are invalid.

Second, the regulations limit the number of petitions that can be filed against the same patent. That makes no sense. There will often be multiple challenge to the same patent, especially if its being asserted aggressively.

I oppose the U.S. Patent and Trademark Offices proposed regulations changing the nature of PTAB trials., Docket No. PTO-C-2020-0055.

Don't do it.