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Discretion to Institute Trials Before the Patent Trial and Appeal Board

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Comment from Troy Deck

Submitter Information

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General Comment

I'm a professional software engineer and I'm opposed to these rule changes. Bad patents have been a particular plague on our industry because over the years the USPTO has granted patents for essentially trivial ideas and combinations of existing technologies. This leads to a situation in which almost any technology company is unwittingly violating one of these trivial patents. Both patent trolls and large companies like IBM have the power of taxation on our whole industry as a result. There's ample evidence already that this is a real problem - I even have a friend who worked for a patent troll. Small companies should be able to focus on innovation and serving their customers, but they can easily become tied up in legal battles with corporate entities that litigate bad patents full time.

The PTO should do a full review, proactively seek out these bad patents, and invalidate them. Failing that, we need a robust and inexpensive IPR process to make it easier to challenge such patents. These rule changes undermine that process and the purpose for which it was originally created.