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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-2020-0055-0172

Comment from Mark Foote.

Submitter Information

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General Comment

"... 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."

(From the EFF.org article, November of this year)

Why not allow Americans to go to the Patent Trial and Appeal Board and present evidence that a patent is invalid? (IPR system, America Invents Act, 2011).

Why do I sense that only those who benefit financially from the ability of patent trolls to game the system would be in favor of the proposed new rule changes?

Thanks for your consideration.