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Discretion to Institute Trials Before the Patent Trial and Appeal Board

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Comment from Paul Barous.

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General Comment

Hello

The USPTO has the obligation to protect not only the individual inventor but to protect National Security. The PTAB has been used in ways that extremely damage both. It is another layer of protection for those with power, greed and without the specific talent to invent from the spark of brilliance. PTAB is being used by big business to destroy innovation and foundational economic building block momentum; that more then not (patterns prove) comes from the American Citizen that is either a micro (individual) and or small entity.

The large corporations lobbied for the AIA which turned the history of the USPTO around and has made "bad actors" act in ways that are contrary to how the United States built its power around the world. First they used the illegal "SAWS" (Sensitive Application Warning System). This is where patents were sent to die. If someone in the real world of business did not want a patent application to go through, they could influence a "patent application" to be put into this program that was not sanctioned by congress. Many FOIAS has been requested for the list of

applications put into the SAWS program and the USPTO refuses to release these application numbers. Why would that be? The PTAB is another secondary layer of big business protection.

Once the SAWS program was leaked and proven it supposedly was stopped. Though, they still refuse to list the patent applications illegally put into the program. Now, another "big business" protection layer was then relied on with much more force: "The PTAB". Instead of working with inventors on a simple licensing agreement, big business, would rather destroy, mock and steal to create, instead of creating from scratch themselves. This is accomplished with the full support of the PTAB. Hiding in plain site and being so bold in their obvious outrageous claims is their strategy.

It has become a National Security Issue. A nations ability to "protect" an individuals "property rights" in order to elevate ones livelihood and contribute to society is a foundational block of the United States of America. The PTAB is treading on the Constitution and contributing to the down fall of American Innovation. Its simply power that is fueled by the lobbyist. It allows for "bad actors to act bad" and they sure do, given the chance for short term gratification which in the end destroys the USPTO and the IP power of the USA.

I have a few patents. One is a business method patent, #9,489,681, which took 14 yrs to issue into a patent because of outside real world influences. Without the USPTO AIA, SAWS and PTAB these outside influences would have a much harder time blocking the small guy. The costs alone to keep fighting over those years halts the ability to develop and integrate.

Once you get the patent, what is one going to do, when big business can now call on the PTAB to act as their own personal grim reaper?