

# PUBLIC SUBMISSION

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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-2020-0055-0358

Comment from Louis Carbonneau

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## General Comment

As a former executive in the IP group at Microsoft responsible for the monetization of its patent portfolio, currently one of the most active patent brokers worldwide and the author of a well respected newsletter about the IP marketplace read by over 16000 subscribers, I have a unique view of the patent landscape and how badly it has been damaged over the years through a combination of legislative activity (albeit well intentioned) and judicial decisions. To a point where US inventors have the short end of the stick when wanting to commercialize, license or sell their innovations and infringers have all the tools at their disposal to wear them out.

It is now to a point where it has become a lot easier to enforce one's patent rights in China and in other jurisdictions, and with a much greater rate of success, than in the US. This situation is shameful and is costing the US economy significantly each year in lost profits and in venture capital investments going elsewhere as a result. It also makes the US economy, which has historically benefited directly from our innovative streak, less competitive on a global level.

I fully support legislation that will re-establish a healthy equilibrium between patent rights and

the opportunity to have those respected, while making sure there are some safeguards to avoid potential abuses from a few bad actors.