

From: Alun Palmer [*email address redacted*]
Sent: Thursday, February 06, 2014 3:28 PM
To: AC90.comments
Subject: Assignment Rules

Dear Ms. Lee,

The new proposals for identifying ultimate parent entities on pain of patent abandonment are fraught with problems.

- 1) Failure to record changes in ownership are often inadvertent, and should not be a basis for abandonment;
- 2) Where chains of title are complicated, legal judgment may be required to determine the ultimate parent entity; Patent attorneys are frequently not admitted in the same state where domestic patent applications originate, patent agents properly admitted to prepare and prosecute patent applications (and to record assignments) are not admitted in any state, and many applicants are not domiciled in the US at all, so that in that case no US patent attorney or agent is qualified to make this determination (and probably no foreign one either); Further, there should be no new requirement for applicants to retain in-house counsel;
- 3) Patent agents and attorneys should not be expected to research relationships between companies beyond the usual enquiries;
- 4) Much of this is motivated by a desire to identify so-called trolls (who under current law have as valid a right to assert their patents as anyone else, and should continue to do so) and if felt necessary for some reason (to placate large corporations?) could be replaced by a simpler requirement to identify Patent Assertion Entities (PAEs), accompanied by a definition of the same, as no two people seem to agree upon a common definition;
- 5) Abandonment is too harsh a penalty; Enhanced damages might be more appropriate, if indeed any penalty is appropriate at all.

In conclusion, if any change is necessary at all, which I sincerely doubt, then enhanced damages for failing to identify a PAE should be a more than sufficient remedy.

These views are my own, and not those of the firm that I am associated with.

Regards,

Alun Palmer
Reg. No. 47,838