

Cain, Brigit

From: Earle Jennings <ewj@ix.netcom.com>
Sent: Tuesday, February 28, 2012 5:43 PM
To: Inter_Parties_Review
Subject: Who can initiate interpartes review of the invalidity of a patent at the US Patent & Trademark Office(PTO)

Importance: High

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Hello,

My name is Earle Jennings. I am a patent agent, an executive at a startup semiconductor IP company, and I provide patent management services to several other small high tech companies here in California.

I wish to say that in general, I agree with the provisions as they are shaping up regarding the interpartes review process.

I request that you change who can initiate these interpartes reviews to include the patent holders as well.

Here is why: Most small companies are vulnerable to law suits brought by larger, better funded entities. Such organizations can have the strategy of "bleeding" the small of both money, as well as the focus and time of their principal players. And such strategies are often successful, weakening and sometimes killing the small. This is a serious threat to emergence of new high tech companies.

By allowing the patent holders to initiate these proceedings, small companies hit with civil invalidity law suits could initiate a comparable proceeding at the PTO, and once started, move that the PTO render its verdict in place of the civil trial court. Civil courts have enough on their plates that it is unlikely any judge would reasonably rule against such a motion.

This could save many of our most innovative companies years of hardship and pain, by allowing the PTO to consider these issues at a higher level of experience and training than can be found in civil courts.

Best of days,
Earle Jennings
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