

George C. Landrith  
*President & CEO*



Senator Malcolm Wallop  
*(1933 - 2011)*  
*Founder*

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United States Patent & Trademark Office  
600 Dulany Street  
P.O. Box 1450  
Alexandria, VA 22313  
**Via E-mail: [PTABNPRM2020@USPTO.gov](mailto:PTABNPRM2020@USPTO.gov)**

**Re: PTAB Rules of Practice for Instituting on All Challenged Patent Claims and All Grounds and Eliminating the Presumption at Institution Favoring Petitioner as to Testimonial Evidence, Docket No. PTO-P-2019-0024**

To whom it may concern:

Frontiers of Freedom was founded by U.S. Senator Malcolm Wallop in 1995. We represent millions of Americans in many of the most important and pressing public policy questions of the day. Our mission is to promote freedom and opportunity whenever and wherever we can. Frontiers of Freedom is dedicated to the principles of individual liberty, peace through strength, limited government, free enterprise, and the values embodied in the Declaration of Independence, the Constitution, and the Bill of Rights. We believe that freedom is worth preserving, defending and renewing. Our goal is to build a robust culture of freedom, opportunity, and prosperity through effective education, analysis and advocacy.

One of our primary focuses has long been protecting property rights, including intellectual property rights which are a foundational element of prosperity and economic progress. We wish to comment on the Notice of Proposed Rulemaking (NPRM), PTAB Rules of Practice for Instituting on All Challenged Patent Claims and All Grounds and Eliminating the Presumption at Institution Favoring Petitioner as to Testimonial Evidence, Docket No. PTO-P-2019-0024.

We support and agree with the leadership of Director Andrei Iancu and of Deputy Director Laura Peter in seeking to improve and reform the procedures employed by the US Patent & Trademark Office (USPTO) in how the PTAB works as it reviews claims. Basic fairness is paramount. While the proposed changes are not huge steps, and more reforms are likely necessary to fix the obvious imbalance at PTAB, these proposed rule changes are definitely a step in the right direction and we fully support them.

## FRONTIERS OF FREEDOM

The proposed rules would more closely align the PTAB with the US Supreme Court's decision in *SAS Institute Inc. v. Iancu*. It is critically important that PTAB operate with procedural rules and evidentiary standards that insure the results are fair, balanced and just. These are important issues. Property rights hang in the balance. These are not secondary rights or unimportant rights. Thus, the process that determines what property rights may be in a disputed case, must be designed to achieve fair and reliable results.

A lack of consistent rules and due process has marred PTAB's legitimacy and it is time to fix this problem. A statistical review of PTAB's work suggests that it has an institutional bias. A decision maker needs to be balanced and fair and enforce the law and protect the property rights of those who rightfully hold them. These proposed rules are a step in the right direction and will improve the PTAB. We do, however, suspect additional reforms will be necessary to bring the PTAB fully into alignment with the concepts embodied in the rule of law, due process, and standard of evidence.

We need to have confidence in our patent system and in the property rights that a patent represents. Economic property rights hang in the balance, but so does American prosperity. One of the main reasons the US became the world's economic superpower was our patent system which incentivized innovation. So even if one is not an inventor, we all have an interest in protecting intellectual property rights. Those rights have made us all wealthier and given us access to amazing technology and life-changing medicine and cures, among other things.

In the past, PTAB has eroded the necessary confidence and the appearance of due process, and it is high time that the rules be reformed to rebuild and maintain a reliable patent system. Thus, we want to express our enthusiastic support for the proposed rule.

Sincerely,



George Landrith  
President  
Frontiers of Freedom