I am an engineer, inventor, and small business owner and I am outraged with how the USPTO treats people like me. They allow PTAB and big companies to steal intellectual property from inventors like myself. Small inventors are the lifeblood of our economy and they need support, not persecution. Remember that almost every big company today started with one or two inventors in a garage. If you want more big companies you need to help small ones survive.

I urge adoption of regulations to govern the discretion to institute PTAB trials consistent with the following principles.

I: PREDICTABILITY

Regulations must provide predictability. Stakeholders must be able to know in advance whether a petition is to be permitted or denied for policy reasons. To this end regulations should favor
objective analysis and eschew subjectivity, balancing, weighing, holistic viewing, and 
individual discretion. The decision-making should be procedural based on clear rules. Presence 
or absence of discrete factors should be determinative, at least in ordinary circumstances. If 
compounded or weighted factors are absolutely necessary, the number of possible combinations 
must be minimized and the rubric must be published in the Code of Federal Regulations.

II: MULTIPLE PETITIONS

a) A petitioner, real party in interest, and privy of the petitioner should be jointly limited to one 
petition per patent.

b) Each patent should be subject to no more than one instituted AIA trial.

c) A petitioner seeking to challenge a patent under the AIA should be required to file their 
petition within 90 days of an earlier petition against that patent (i.e., prior to a preliminary 
response). Petitions filed more than 90 days after an earlier petition should be denied.

d) Petitioners filing within 90 days of a first petition against the same patent should be 
permitted to join an instituted trial.

e) These provisions should govern all petitions absent a showing of extraordinary circumstances 
approved by the Director, Commissioner, and Chief Judge.

III: PROCEEDINGS IN OTHER TRIBUNALS

a) The PTAB should not institute duplicative proceedings.

b) A petition should be denied when the challenged patent is concurrently asserted in a district 
court against the petitioner, real party in interest, or privy of the petitioner and the court has 
neither stayed the case nor issued any order that is contingent on institution of review.

c) A petition should be denied when the challenged patent is concurrently asserted in a district 
court against the petitioner, real party in interest, or privy of the petitioner with a trial is 
scheduled to occur within 18 months of the filing date of the petition.

d) A petition should be denied when the challenged patent has been held not invalid in a final 
determination of the ITC involving the petitioner, real party in interest, or privy of the 
petitioner.

IV: PRIVY

a) An entity who benefits from invalidation of a patent and pays money to a petitioner 
challenging that patent should be considered a privy subject to the estoppel provisions of the 
AIA.

b) Privy should be interpreted to include a party to an agreement with the petitioner or real party 
of interest related to the validity or infringement of the patent where at least one of the parties to 
the agreement would benefit from a finding of unpatentability.
V: ECONOMIC IMPACT

Regulations should account for the proportionally greater harm to independent inventors and small businesses posed by institution of an AIA trial, to the extent it harms the economy and integrity of the patent system, including their financial resources and access to effective legal representation.

Inventors make things better, cheaper, faster. Companies dont want that because it would reduce cost/price and therefore they dont make as much money! Such GREED!