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Docket: PTO-C-2020-0055

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-2020-0055-0204

Comment from Justin Kobylarz.

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General Comment

I oppose the U.S. Patent and Trademark Offices proposed regulations changing the nature of PTAB trials., Docket No. PTO-C-2020-0055.

As a software developer, I see many patents that are obviously not patent-worthy and it is damaging to the profession. Software development is based on the sharing of ideas and when common or historic ideas are claimed to be new and then patented, this unfairly limits creativity and progress.

The rights of technology developers and users are no less important than the rights of patent owners. When patents are evaluated in federal court, nearly half of them are found to be invalid.

Overall, PTAB trials must be fair, affordable, and accessible. When petitions are likely to succeed on the merits, they should be granted. What happens in the courts, or to other petitions, shouldnt matter.

These proposed regulations will destroy the U.S. system for post-grant patent challenges.

Wrongly granted patents are a major burden on the economy and drain on innovation. Every week, they're used to threaten small businesses with extortionate licensing demands especially people who make and use technology. To promote innovation, the Patent Office needs to improve the quality of granted patents, and to do that, we need the robust IPR system Congress designed.