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Request for Comments on Discretion to Institute Trials Before the Patent Trial and Appeal Board

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Discretion to Institute Trials Before the Patent Trial and Appeal Board

Document: PTO-C-2020-0055-0195

Comment from Robert Tull.

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General Comment

I filed my first patent in 1993 while at Morgan Stanley and have been submitting patents since then. I have found the "Alice" broad rejection process surrounding "future inventions" to be somewhat confusing for financial instruments.

The "Catch22" dilemma is simple; if I can't get protection on a new product design, why would I launch it? My competitors will copy the design and launch it with, or without, rights. As most competitors understand the process the likely hood of the USPTO is rejection and my typical process is 2-3 years. By this time the new financial is well on its way and I will likely have no recourse against the investment banks and commercial bank who were trolling the USPTO for novel ideas. Their balance sheet would support multiple years of court hearings and I would be broke.

The USPTO has to develop a small applicant process that can be expedited, a maximum of 120

days to issuance for new financial product design concepts, so we can align ourselves with larger player who can help defend our IP rights.

In this manner we can bring new products to markets that are intended to respond to the needs of investors and provide timely solutions to the investors concerns. The market changes rapidly and we need to change with it.

I have shelved over 20 patent ideas within the last 8 years because of the USPTO rote rejection process.