

PUBLIC SUBMISSION

As of: 11/19/20 2:27 PM
Received: November 15, 2020
Status: Posted
Posted: November 17, 2020
Tracking No. 1k4-9k3t-2g6n
Comments Due: December 03, 2020
Submission Type: API

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-2020-0055-0288

Comment from Roy Shilling.

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General Comment

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.

If the petitioner challenging the patent fails to win they should be responsible for all legal and administrative costs incurred by the patent holder in defending their patent.