

PUBLIC SUBMISSION

As of: 11/19/20 4:40 PM
Received: November 17, 2020
Status: Posted
Posted: November 19, 2020
Tracking No. 1k4-9k5f-lck5
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-2020-0055-0400

Comment from Derek Gable

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General Comment

In todays world innovation and invention are essential. So many jobs will be taken over by technology new one need to be produced by new inventions etc.

The Patent process MUST encourage individuals to invent and innovate and have them feel they will be looked after and protected not just big companies.

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.