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 not 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.

Protecting the original inventors time, work, and effort is crucial and encourages innovation and
discovery.