



Scott C. Weidenfeller
Vice Chief Administrative Patent Judge
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22314

Re: Request for Comments on Discretion to Institute Trials before the Patent Trial and Appeal Board.
Docket No. PTO-C-2020-0055

Dear Judge Weidenfeller:

On behalf of the National Small Business Association—the nation’s oldest nonpartisan small-business advocacy organization—representing more than 65,000 small businesses nationwide, I write to applaud the USPTO proposed regulations to clarify the rules of the Patent Trial and Appeal Board (PTAB).

NSBA supports Director Iancu’s proposal to promulgate new regulations to help strengthen intellectual property in America. These new regulations are necessary to provide a small-business friendly alternative to other harmful patent reforms which have been implemented. These new regulations will improve the current U.S. patent system and help to reverse policies which discourage innovation and weaken patents in the U.S. Further, these reforms will strengthen patents across the business community, enhance the U.S. patent system, and reestablish the attractiveness of creativity and encourage innovation.

Patent protections are particularly important for small inventors, who operate on much smaller margins and often rely more heavily on their intellectual property for revenue than large firms. According to the U.S. Small Business Administration, small businesses produce 16 times more patents per employee than large patenting firms, which has a direct correlation with job growth.

The America Invents Act (AIA) enacted in 2011, resulted in unintended consequences which have damaged the ability of patent owners to protect their patents from infringement. The proposed new regulations will help boost U.S. competitiveness and strengthen property rights protections for inventors, small businesses, and other patent owners.

Sincerely,

A handwritten signature in black ink that reads "Todd McCracken". The signature is stylized, with the first name "Todd" and the last name "McCracken" clearly legible.

Todd McCracken
President & CEO