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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

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Comment from Michael DeWalt

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General Comment

The Federal Register for [Docket No. PTO-C-2020-0055] states that "Congress designed the AIA "to establish a more efficient and streamlined patent system that will improve patent quality and limit unnecessary and counterproductive litigation costs." While originally this was apparently conceived to prevent frivolous challenges to legitimate patents, an entire industry has evolved that patents broad and non-invention worthy ideas in many cases on existing public or private but non-patented concepts such as google play. They then sue anybody who has been using these ideas for infringement. By tightening up the requirements for these suits, it allows these frivolous patents to go unchallenged and then permitting these, what should be, invalid patent holders to conduct broad frivolous law suits against truly non-infringing public and private entities and individuals. I believe this rule change should be rejected as the harm to the public far outweighs the potential harm to patent holders.