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Request for Comments on Discretion to Institute Trials Before the Patent Trial and Appeal Board

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Discretion to Institute Trials Before the Patent Trial and Appeal Board

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Comment from Tony Diaz

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General Comment

Greetings:

I'm just going to be blunt and direct. No funny terms, no beating around bushes.

Patent Trolls are BLATANTLY ABUSING the system. Staking claims for such things as simple as getting up in the morning when they describe it in some long drawn out way. It usually starts something like "back in 1776, while sitting at the pub with Goerge Washington's long removed second step brother's dad's girlfriend.. I had this idea that I scribbled down on the back of this cocktail napkin..

The Patent Troll thing, East Texas. Read about it. Make informed decisions. Protect the little guys and the big guys. From each other, from the Trolls.

Displaying a runway on a web site? Clicking a button to order something 'online'. There's so much prior art out there when it comes to software patents alone. But the little guy simply can't afford to defend themselves against blatant abuse.

These Trolls find a few of the absolute most weaklings out there and go after them. Scare the living hell out of them, threat to take everything they own and their daughter's kitty too, if they don't pay up, settle, agree to whatever strong arm baloney is being thrown at them. In some of the early cases they'll even settle for pittance, against someone who is so small.. do that a couple times, file more suits. Now they have prior precedent to throw around in the next court sessions.

..and so on, and so on, before they amass a small pile of settlements and then make a (usually pretty stupid) attempt to go after a big player. Banking that they will settle rather than drag the stuff on for years, wash. Rinse. Repeat.

By limiting Inter Partes Review you are granting Patent Trolls free reign to increase this abuse.

Patent Troll: An entity that manufactures nothing, barely has more than a PO box in Delaware, an open case load in East Texas, and plenty of money to make donations and pay lobbyists.

The little guys out there simple can not touch them on the financial level.

The system is broken. The entire deal with Software Patents needs to be put through Inter Partes Review.

Thank you for your time.