Director Inacu,

The following are excerpts from a comprehensive article written by Josh Malone on May 7, 2018 for IPWatchdog. He articulates several valid reasons for making changes to the current patent review procedures. As an investor, I heartily recommend that his suggestions be implemented, as the current system is overwhelmingly discouraging to individual innovators and small companies.

"Current PTAB processes are laying waste to investment in patents and early-stage startups which is undermining confidence in the patent system overall. We submit the proposed reforms herein would help the agency to do its part to increase the reliability of the patent grant.

1. The decision to institute a PTAB proceeding must be performed by an objective independent panel.

2. Provide for attorney fees for small entities.

3. For institution, PTAB must require identification of a substantial new question (SNQ) of patentability.

4. Apply the Phillips standard of claim construction used in Article III courts.

5. Defer to prior constructions, absent clear error.
6. Seek to confirm the invention. “A patent shall be presumed valid.” PTAB must draw all
inferences in favor of preserving the patent.

7. Limit petitioners to a single petition per patent. Filing multiple petitions is a way of
circumventing word limits imposed on petitioners
when filing against the same patent. This practice significantly increases the cost of defending
against a PTAB review and pushes that
increased cost on the party least able to afford it. Petitioners must narrow their arguments to
their best grounds in a single petition.

8. Limit Petitions to a Single Ground per Claim. Throwing hundreds of combinations of prior
art at a patent to see what sticks
is grossly unfair to patent owners who must allocate their word limits legal resources to guess
which grounds are of concern to the PTAB.


10. Allow live testimony and broad discovery similar to Federal Rules of Civil Procedure to
aid in identification
of the real parties of interest, and to allow patent owners to put on comprehensive evidence of
objective
indicia of non-obviousness, which assists the PTAB in correcting for hindsight bias."

Thank you.

Sincerely, Peter Reali
3480 S. McCormick PL
Boise Idaho, 83709