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Subject: Comments Regarding PTAB

To Whom It May Concern:

The following comments represent the views of Think Computer Corporation.

Think Computer Corporation holds two U.S. patents, one of which is being challenged in a CBM petition before the PTAB. The company also operates PlainSite (<http://www.plainsite.org>), which correlates a large amount of USPTO data for public use. We therefore have experience with the PTAB from two different perspectives.

Even on the "wrong" end of the process, Think believes that the PTAB serves a vital purpose. From the perspective of a company involved with the petition process, it has been relatively smooth thus far, but only because we agreed to hire a lawyer. Filing a petition or responding to one should not require a lawyer, and the PTAB has provided little to no guidance for independent inventors or small businesses who may want to challenge a patent's validity, or respond to a challenge. Its fees are far too high, even for most technology startups (who should qualify for "micro" status, which it is not clear that the PTAB initiation fees recognize; the fees should be discounted if they are not already).

Rather than using extremely long PDF documents for petitions, the PTAB should build error-checking web-based forms that allow even novice users to construct their arguments about how various statutes and pieces of prior art invalidate (or do not invalidate) a given patent. This would streamline proceedings and make them more understandable to the average person.

Think's patent at issue in CBM proceedings is obviously financial in nature given that it concerns a mobile payment system, but the PTAB has ruled that some patents are "financial" when it is obvious that they are not, and merely mention some word related to finance only once in passing. The PTAB needs to distinguish between invalid patents that simply attempt to claim obvious concepts in banking or mathematics, and patents that actually move the financial industry forward into the twenty-first century. To the extent that PTAB judges working on CBM petitions have not yet been trained in the payments industry, they should be.

It also appears that a very common practice is for expensive law firms to write the opinions of their highly-paid "objective" expert witnesses, and then have those witnesses sign their names to the documents they supposedly "authored." The views of the witness—really, the law firm—can then be reiterated in the petition. This practice should be absolutely forbidden and sanctionable with hefty fines. Objective opinions should be objective.

From a bulk data perspective, the PTAB is a complete failure. No bulk data is available from the PTAB in XML format, as is the case for patent and trademark applications, assignments, and TTAB proceedings. This glaring omission needs to be remedied as soon as possible. Additionally, the PTAB docketing system is horrendous. The USPTO should issue an RFQ for a

new docketing system to replace it, and should make a point of using a different vendor than the one responsible for the current mess (PegaSystems).

Information about PTAB proceeding should also be integrated into the same database(s) where other patent information can be found. The most logical place for it to be right now would be PAIR, but since PAIR is a colossal disaster of its own, the USPTO should also issue an RFQ for a new public-facing integrated database system/portal to work alongside or on top of PE2E.

Feel free to contact me with any questions.

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Think

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