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Subject: Transitional Program for Covered Business Methods

On top of anonymous Ex parte reexamination, inter parte review and PGR, a small entity with a 'covered business method' patent is subject to an especially egregious provision which can devastate a small business method patentee. This provisions was special legislation passed to benefit the banks and wall Street (See, "Banks Turn to Schumer on Patents," By EDWARD WYATT, The New York Times, June 14, 2011; http://www.nytimes.com/2011/06/15/business/15schumer.html?_r=2&ref=charleseschumer) Sec. 18 (b)(1)(D) provides a very limited 'estoppel' provision which can tie up a patentee endlessly in never-ending, extremely costly 'serial' challenges by limiting estoppel to "...any ground... 'raised' ...that resulted in a final written decision." This abandons the universally accepted estoppel test of " raised or could have raise " which requires a challenger to come forward with all their objections at one time to resolve the dispute in a fair and expeditious matter. Sec. 18 (b)(1)(D) will allow an infringer to come back time and time again. Bear in mind that infringers will likely be the large banks and wall street with endless financial resources to defeat a small patentee. Therefore, what provisions will the PTO make in its rules to require a petitioner to come forward with all known 'prior art' or arguments ? For Sec. 18 proceedings:
will the PTO set stringent time limits and issue Sec. 18 "final written decision" in a prompt manner rather than letting them drag out endlessly?
will the PTO require a petitioner to come forward with all its evidence and objections at one time, including, for example, an affidavit requiring the petitioner to swear: "I/we have conducted reasonable due diligence, and have reviewed references with my patent counsel, and I submit herewith all the most relevant references of which I (petitioner, counsel), and those in privy with me, are aware?"

Thank you,
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