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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

Document: PTO-C-2020-0055-0642

Comment from Michael Del Monte

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General Comment

It's obvious, after reading many of these comments, that many of them are extraordinarily similar and in some cases exact copies of one another, except for an introductory paragraph or two.

Those introductory paragraphs all seem aimed at establishing some kind of credibility ("I am an inventor", "I am an entrepreneur", etc.).

My suggestion to you as a reviewer is that you should ask these commenters to provide actual issued patent numbers along with their comments. After all, anyone can claim to be an inventor or entrepreneur and to be a stakeholder in the patent system. But providing an issued patent number, for which one is an inventor or assignee, would give you, the reviewer, a far better sense of who the commenter is, and the nature of his stake in the system.

My suspicion, of course, is that patent trolls make up the bulk of these duplicative responses, in which case I would expect the commenter to be unable to provide a patent number under his own name. That would tell you something very important about the genuineness of the commenter.

You don't have to ask people to dox themselves. You could ask for patent information in a non-

public way. But commenters who don't want to provide the reviewers with contact information, or patent numbers, should be viewed with suspicion. Those who claim lofty motives in wanting "certainty" for "their patents" really ought to show that they have patents to begin with.