Conservatives
for
Property Rights

November 25, 2025

The Honorable John Squires
Director
U.S. Patent and Trademark Office
600 Dulany Street
Alexandria, VA 22314

RE: Revision to Rules of Practice before the Patent Trial and Appeal Board (Docket No. PTO-P-2025-0025)

Dear Director Squires:

We strongly favor the proposal in the Revision to Rules of Practice before the Patent Trial and Appeal Board (Docket No. PTO-P-2025-0025). This proposal takes a stand for reliable intellectual property (IP) rights by reforming the Patent Trial and Appeal Board's (PTAB) widely criticized invalidation of patents previously upheld by courts and predatory infringers' PTAB abuse.

Conservatives for Property Rights (CPR) is a coalition of public policy organizations concerned with preserving and protecting private property rights. We have long advocated for policies that bolster U.S. industrial competitiveness and technological innovation.[1] To be sure, patents and IP are at the center of our innovation economy as well as America's prosperity and national security. CPR believes U.S. policy must provide clear, secure, reliable, and enforceable property rights—including patent rights.

At present, PTAB rules disproportionately benefit large corporations with deep pockets that aim to wipe out their competitors' patents. PTAB empowers those companies to challenge the same patents repeatedly. That forces startups and small innovators constantly to expend resources defending their patents in multiple forums.[2]

[1] https://www.property-rts.org/competitiveness-and-property

[2] https://ipwatchdog.com/2025/10/01/netlist-continues-enforcement-campaign-samsung-dram-modules-itc/

We firmly believe that the concept of "quiet title" is central to reliable and secure IP rights. PTO's proposal will restore predictability to the patent system. As a result, entrepreneurs and investors will gain confidence to pursue state-of-the-art R&D.

Congress was clear during the enactment of the 2011 America Invents Act (AIA) that it intended the Patent Trial and Appeal Board (PTAB) to be a cost-effective alternative to federal district court, not a tool for litigation harassment.[3] However, this administrative body is in fact a weapon for predatory infringers—often Big Tech corporations and foreign companies—to wage lawfare even when patents have already been challenged in federal court, the International Trade Commission (ITC), or PTAB. In fact, China has become the weapon of choice for Big Tech in its efforts to undermine patent owners. Big Tech claims that protecting inventors' rights benefits China–-an unfounded and blatant attempt to use the China card to further Big Tech's interests in invalidating patents they want to use for free.

The salt in patent owners' wounds is when PTAB, an Article II quasijudicial body, overturns the decision of an Article III court or the ITC.

The proposed rule would rectify this highly suspect situation. Moreover, the rule would require PTAB gamesmen to choose one forum or the other for where the challenger will raise issues of a patent's novelty or nonobviousness, making IPR more rationally narrow. These improvements in PTO policy and practice will foster job growth and investment in the United States.

We offer friendly suggestions for consideration. Adding specific examples such as naming previous cases that would have met the "extraordinary circumstances" exceptions would provide greater clarity to the exceptions' metes and bounds. Setting explicit timeframes for stipulation and disclosure and meaningful consequences for failure to meet those deadlines would foster greater predictability and confidence regarding patents' reliability for inventors and investors.

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[3] "The intent of the post-grant review process is to enable early challenges to patents, while still protecting the rights of inventors and patent owners against new patent challenges unbounded in time and scope. . . . **The Committee recognizes the importance of quiet title to patent owners to ensure continued investment resources**. While this amendment is intended to remove current disincentives to current administration processes, the changes made by it are not to be used as tools for harassment or a means to prevent market entry through repeated litigation and administration attacks on the validity of a patent. Doing so would frustrate the purposes of the section as providing quick and cost effective alternatives to litigation. Further, such activity would divert resources from the research and development of inventions." H.R. Rept. 112-98 (June 1, 2011), at 47–48 (emphasis added).

These much-needed efforts will help inventors and patent owners achieve quiet title. They will safeguard the rights our Founders recognized to be crucial to our nation's progress, prosperity, and national security.

Sincerely,

James Edwards, Ph.D.
Founder and Executive Director
Conservatives for Property Rights