

US Inventor to President Trump: Eliminate the Patent Office PTAB

US Inventor sent a letter to President Trump on September 12 alerting him to the crisis facing the U.S. patent system.

The U.S. Chamber of Commerce released an alarming report showing our patent system has slipped from its historic first place to tenth in the world. At the core of this historic drop are three problems: the Patent Trial and Appeal Board (PTAB), established under President Obama, the “abstract idea” exception to patentable subject matter under 35 USC 101, and injunctive relief, which is now rarely awarded upon a finding of infringement.

These problems all boil down to the current view of patent rights, minted under your predecessor, that a patent is not a property right despite over 220 years of precedent and black letter law. As a result, a small company cannot defend a patent. As a result, the company cannot attract investment. Instead, that investment is now going overseas – primarily to China – and job creation follows. Soon, this will also have grave national security implications.

Inventors and startups need the PTAB eliminated, exceptions to 35 USC 101 reigned in, and injunctive relief upon a finding of infringement restored. Without these three changes, innovative new businesses will attract limited early stage investment.

[Read the letter in its entirety here.](#)