November 24, 2025

The Honorable John A. Squires
Under Secretary of Commerce for Intellectual Property and Director of the USPTO
600 Dulany Street, Alexandria, VA 22314

Re: Comments from the Inventors Defense Alliance on the USPTO's Notice of Proposed Rulemaking Regarding the Patent Trial and Appeal Board

Dear Director Squires,

On behalf of the Inventors Defense Alliance (IDA), we submit these comments regarding the U.S. Patent and Trademark Office's Notice of Proposed Rulemaking regarding the Patent Trial and Appeal Board (PTAB).

IDA is a nonpartisan, nonprofit organization that works to defend inventors' rights, safeguard access to capital, and strengthen America's innovation economy. Our mission is to ensure that independent inventors, startups, and emerging businesses can compete on fair terms in a marketplace dominated by larger, better-funded incumbents. Through advocacy, research, and public education, we seek to build understanding of the essential role intellectual property (IP) plays in enabling economic mobility and technological progress.

Restoring Balance and Protecting Innovators

The USPTO's proposed rule represents an important step toward restoring balance and fairness in the post-grant review process. The PTAB plays a vital role in ensuring patent quality and resolving validity disputes efficiently, but procedural loopholes and duplicative challenges have too often turned it against the very innovators it was meant to protect.

For startups and independent inventors, a patent is more than a legal document -- it's the foundation of their business. It's what allows them to raise capital, hire workers, and compete with established companies. When the validity of a patent can be re-litigated repeatedly -- whether through serial PTAB petitions or duplicative court actions -- its value erodes, as does investor confidence.

The proposed reforms would bring long-overdue predictability to the post-grant review process and better align it with Congress's intent: to provide a streamlined *alternative* to litigation, not a second battlefield on which to challenge patents. By limiting redundant challenges, requiring disclosure of real parties in interest, and promoting consistency between PTAB and district-court proceedings, the rule would restore stability to the patent system and provide the assurances investors need to fund early-stage innovation.

Reducing procedural abuse will let America's next generation of inventors focus on building technologies -- not defending them in endless legal fights.

Ensuring Coherence with the America Invents Act

While IDA supports stronger safeguards against abuse, we recognize that the PTAB remains an established component of the patent system. It provides a forum Congress hoped would be a more efficient alternative to expensive district court litigation for addressing validity disputes, relieving court congestion, and upholding patent quality -- objectives that remain consistent with the America Invents Act (AIA).

For that reason, we urge the USPTO to avoid interpretations that could inadvertently undermine the post-grant review system Congress intended to put in place.

We therefore encourage the Office to strike a careful balance -- preserving the PTAB's role as a legitimate alternative venue for patent disputes while curbing its misuse as a tool for serial harassment. Fairness and efficiency, not duplication, should be the Board's chief aim.

On Foreign Filings and the Global Innovation Ecosystem

The NPRM and debate surrounding it have highlighted concerns about foreign entities using the PTAB system. At the outset, it should be noted that many of those making this argument -- particularly as it relates to China -- are among the largest technology companies in the world. They are also among the greatest filers of PTAB challenges. For example, from 2012 to 2024, the 25 biggest users of PTAB included Samsung, Google, Apple, Microsoft, Meta, Intel, Cisco, and Amazon. Only two of the top 25 were Chinese firms, ZTE and Huawei. Indeed, 2025 has similarly borne witness to PTAB use being dominated by U.S.-based technology firms, with most of these challenges being waged against American patent owners. These facts -- given the history of opposition to nearly every PTAB policy reform favorable to patent owners -- call into question the sincerity of those behind this asserted, notional concern.

Nevertheless, while abuse by bad actors -- foreign or domestic -- should never be tolerated, it is worth emphasizing that foreign participation in the U.S. patent system is not inherently harmful.

When non-U.S. inventors file applications here, they contribute to the public store of knowledge. The disclosure of technical advances through the U.S. patent system accelerates domestic innovation by giving American researchers and startups a foundation to build upon. Such transparency is one of the great strengths of the global IP ecosystem -- not a flaw in need of correction.

Moreover, American companies are among the biggest beneficiaries of an open, global patent system. Respecting international participation in the U.S. system helps ensure that American companies enjoy the same protections abroad. Strong, mutual IP recognition is a cornerstone of continued technological leadership.

Rather than discouraging participation in our patent system, U.S. policy should continue to promote openness and reciprocity, ensuring that all applicants -- domestic or foreign -- abide by the same standards of fairness and accountability.

The Broader Economic Context

Innovation is not an abstract ideal; it is an essential source of job creation and economic growth. Startups account for nearly all net new job creation in the United States, and studies consistently show that strong IP protections correlate with higher levels of investment, productivity, and exports.

When the patent system tilts too far toward procedural complexity or unpredictability, that growth slows. Entrepreneurs hesitate to disclose ideas, investors shift capital to less patent-dependent sectors or to companies outside of the United States, and America's global leadership in critical technologies erodes.

By clarifying PTAB procedures, strengthening estoppel, and ensuring one-forum finality, the USPTO's proposed rule will help restore the confidence necessary for innovators to do the hard work of discovery -- and for investors to support those efforts financially.

To ensure these much-needed improvements endure beyond the current rulemaking process, we also urge lawmakers to consider passing the PREVAIL Act to establish clear boundaries against duplicative challenges and strengthen protections for small inventors. Enacting PREVAIL would complement the USPTO's efforts by codifying balanced, lasting rules that preserve both patent quality and investor confidence.

Conclusion

The Inventors Defense Alliance commends the USPTO and Director John Squires for recognizing the need to restore trust and balance to the PTAB. The proposed reforms reflect a thoughtful effort to modernize the system without abandoning its core purpose.

At its best, the PTAB should function as a fair, efficient, and reliable mechanism for resolving patent disputes -- one that protects both innovation and due process. These reforms move decisively in that direction.

Thank you for the opportunity to provide these comments.

Sincerely,
Inventors Defense Alliance (IDA)

About the Inventors Defense Alliance

The Inventors Defense Alliance is a nonpartisan, nonprofit, 501(c)(4) advocacy organization that works to build support for inventors' rights, safeguard justice, and protect access to capital. Learn more at www.InventorsDefense.org.