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April 29, 2013

Submitted to: ip.policy@uspto.gov

Hon. Teresa Stanek Rea
Acting Under Secretary of Commerce for Intellectual Property
and Acting Director of the USPTO
600 Dulany Street
P.O. Box 1450
Alexandria, VA 22313

Re: **Request for Comments on a Patent Small Claims Proceeding
in the United States, 77 Fed. Reg. 74830 (Dec. 18, 2012)**

Dear Director Rea:

Intellectual Property Owners Association (IPO) submits the following comments pursuant to the USPTO's "Request for Comments on a Patent Small Claims Proceeding in the United States," 77 Fed. Reg. 74830 (Dec. 18, 2012) (the "Federal Register notice").

IPO is a trade association representing companies and individuals in all industries and fields of technology who own, or are interested in, intellectual property rights. IPO's membership includes more than 200 companies and more than 12,000 individuals who are involved in the association either through their companies or as inventor, author, law firm, or attorney members.

IPO is keenly interested in efforts to increase the efficiency and predictability of patent disputes, while decreasing the cost. We are actively considering recommendations to achieve improvements in these areas. Although further evaluation of a patent small claims court may be appropriate in the future, IPO does not believe that such a court presently provides any significant benefits beyond those provided by existing dispute resolution and post-grant procedures.

As the Federal Register notice indicated, the patent small claims court concept was originally proposed more than two decades ago. Since that time, USPTO, congressional, and judicial efforts have addressed many of the concerns that might have made a small claims court an attractive option. The Federal Register notice does not explain the perceived need for such a court at this time. IPO favors deferring further consideration of any patent small claims court legislation pending experience to be gained from the new post-grant proceedings and the judicial patent pilot program, among other efforts.

INTELLECTUAL PROPERTY OWNERS ASSOCIATION

IPO thanks the USPTO for considering these comments and would welcome any further dialogue or opportunity to provide additional information to assist in the Office's efforts to improve dispute resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "R.F. PHILLIPS". The letters are stylized and connected, with a period at the end.

Richard F. Phillips
President