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Comments Submitted by STT WebOS, Inc., and TS Patents LLC

Posted by the **Patent and Trademark Office** on Sep 7, 2021

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Comment

In response to the question of “How does the current state of patent eligibility jurisprudence impact the conduct of your business?”, I provide the following comments:
Comment (1): The current state of patent eligibility jurisprudence does not work well, as a result many good patents could be killed. For example, all four patents of STT WebOS, Inc. being falsely invalided under section 101 as being Abstract Idea.
Comment (2): As a result, since 2017 STT WebOS, Inc. cannot generate licensing revenue either form US companies or from foreign companies that have practiced the patents of STT WebOS, Inc.
Comment (3): When encountered with complex technology, the claim construction is definitely needed at least as part of the “due process” in judicial system, otherwise, there is no way to judge a patent as being valid or invalid.

However, the current judicial system allows a good patent being quickly invalidated under Rule 12(b)(6) without claim construction and a key element in a patent could be misinterpreted or being totally ignored without any discussing or understanding by the motion and court order. This is what happened with the patents of STT WebOS, Inc.
Comment (4): Under current judicial system for patent, the financially disadvantaged individual inventors and small companies are suffered most while the deep pocketed benefited most. This is due to individual inventors or small companies are lack of capacity to fully participate in the court process, and their opinions regarding the invention and patent hardly can reach to the court decision process.
Comment (5): A wrong judgement from a district court can be affirmed by Federal Cir. with one sentence of “Affirming” without any explanation that makes the case even worse. It looks like the court even do not care about what is truth or not, and do not care about what is justice or not regarding the innovation and patents from small companies or individual inventor.
Comment (6): Specially, a court’s wrong decision often requires financially disadvantaged individual inventors or small companies to take multiple years to digest and find out what was wrong with the court decision. Even after found what was wrong with the decision from district court and Fed. Cir., the current

judicial system does not provide a process for small companies or individual inventor to recover a good patent from a false judgement under clear evidences. This situation must be stopped and the judicial system must provide a process for small companies and individual inventors to recover their falsely invalidated patents as long as they can provide true evidences to prove the decision was wrong regardless of how many years passed after the wrong decision made by the courts.

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