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Request for Comments on Discretion to Institute Trials Before the Patent Trial and Appeal Board

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Discretion to Institute Trials Before the Patent Trial and Appeal Board

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Comment from James Mock

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General Comment

Austin Meyers of Laminar Research has had its future literally curtailed by this rule of a patent to use the internet for business. Like so many other things, the effort to assure creativity and inventiveness is what patents are all about. Protecting the inventive genius through patents has served to provide many markets with some guarantees against others from copying someone's work and then reaping the the benefits without the cost of the original inventor or company.

It is my belief that the patent in this case was issued with a broad stroke of the pen without consideration of the totality of the affect in the internet marketing potential which was probably in its infancy at the time of patent issue. Obviously, the internet has become a whopping big success for world-wide communications and marketing. I do not think anyone thought it would become so large.

To allow a single entity to control such a large market without them doing anything to create or contribute to such a role is just not sensible. Then now proposing to dis-allow any challenges to such patents only serves to endorse other groups to do the same.

At a time when industry and health companies are seeking to find more efficient and productive ways to put new useful inventions into the market, it can happen that a patent is issued for some way to control distribution for the sake of individual profits going to someone who knows or has anything to do with the product but collects royalties and ransom.

There must continue to be an appeal process and a board of review when cases such as those of Laminar Research and others before them are presented and due process being considered.