

PUBLIC SUBMISSION

As of: 11/19/20 1:05 PM
Received: November 13, 2020
Status: Posted
Posted: November 17, 2020
Tracking No. 1k4-9k2j-dim3
Comments Due: December 03, 2020
Submission Type: API

Docket: PTO-C-2020-0055

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

Comment On: PTO-C-2020-0055-0001

Discretion to Institute Trials Before the Patent Trial and Appeal Board

Document: PTO-C-2020-0055-0223

Comment from Maggie Anonymous.

Submitter Information

Name: Maggie Anonymous

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Organization: N/A

General Comment

My name is Maggie. I am an inventor and patent owner.

I have no other assets besides a watch that my brother redeemed when I could no longer pay the pawn interest. I will likely end up hocking it again. My house, my car, my meagre art and few collectables, and the rest of the furnishings and jewelry from my former marriage, were all sold to keep me afloat up until my first pro se application was rejected by the USPTO Board of Appeals seven years in. Now there is a wonderful program for sole-inventors like me. Then, there were only obstacles.

During that time I lived in and out of my car, staying with relatives and friends when I could, parking at truck stops and in Albertsons parking lots amongst the campers and RVs along the way. I finally landed at my mother's house. At that point, paying an attorney was my only option. Now, I'm into my son and brother for over \$60,000, but have four patents. I persevere, thankful I got old enough a couple of years ago to get half my ex-husband's SSI (I did not receive alimony). Prior to divorce I was a housewife, mom, community and church volunteer, and occasional temp worker for twenty-two years. I think I'm typical of the average passionately committed independent inventor, getting by on next to nothing, dependent on the love and generosity of family members.

I thank God all of my patents are pre-AIA, though I suspect nothing can save me if a big company decides to come after me. Marketing, prospecting for buyers, is especially difficult when trying to stay under their radar.

I never in a million years anticipated big-money-tech would be empowered to crush me like a bug. I can barely get by now; my family could never afford a PTAB defense. I'd be done for. This is the cold hard reality for all of us little guys - that after spending years just to get each patent, following all the rules, proving my claims against rigorous examination, paying and paying and paying, that a few not-USPTO-qualified appointed actors could nearly knee-jerk concurrence with spurious assertions by deep-pocket corporations and let them take my property simply because they want to and can.

This is so wrong as to defy brevity.

I agree with the general arguments provided by US Inventor, except as to the absence of a call for repeal or abolishment of the entire AIA. But my story isn't general. It's personal. It is inconceivable that you could permit this egregious practice and the PTAB's vendor-centric bias (to date an overwhelming 84%) to continue. I think you just don't know enough about individual inventors, our experiences, or the challenges we face alone, to prioritize the interests of the real human persons who are the very reason the right to ownership of our intellectual property is formalized in the US Constitution.

We are not pesky trolls. In fact, there is no such thing as a troll. There are only owners and infringers. How that is not obvious boggles the mind. Please defend us makers, not the willfully infringing takers.