

# PUBLIC SUBMISSION

<b>As of:</b> 11/13/20 5:51 PM
<b>Received:</b> November 10, 2020
<b>Status:</b> Posted
<b>Posted:</b> November 13, 2020
<b>Tracking No.</b> 1k4-9k0m-d37e
<b>Comments Due:</b> November 19, 2020
<b>Submission Type:</b> 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-2020-0055-0071

Comment from Travis Creighton.

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## Submitter Information

**Name:** Travis Creighton

**Address:**

4228 Autumn Leaves Drive

Tampa, FL, 33624

**Email:** tron.uspto\_gov@computron-usa.com

**Phone:** 813-264-7060

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## General Comment

The PTAB should be subordinate to the regular courts and trials by jury. Those courts have and certainly are capable of deciding patent issues. While the PTAB might have read well on paper, it has been a dismal failure and has caused the US to fall behind other contries in terms of patent protection.

Using my patent application as my reference, I performed a global search on my own using Espacenet, USPTO, Google, and LENS. Then I paid a company to perform another global search as I pressed on in my development. When I hired an attorney to write my application, I paid that attorney to conduct a third global search so that the attorney, with the prior and his own search results, would know what claims to write and which to write around. If after 3 global searches and the USPTO's patent prosecution search which hopefully results in the issuance of my patent, I am still in jeopardy of the PTAB, there are many failures involved. Those failures being mine, the IP industry, and the USPTO itself and these professional failures hardly justify the expense for the quality and guarantee of work performed. If a patent has been issued, it should be safe from invalidation by the PTAB.

With regard to large corporations who use their wealth to enable infringing on the independent and small business inventor, huge punishments need to be awarded to deter such behavior. I would add that historical instances add up as a multiplier for such awards to significantly add to the deterrence of 1) infringement and 2) not reaching a licensing agreement to avoid the infringement and litigation in the first place. For example, consider how many times has Apple lost a patent infringement case. Use that as a royalty or punitive damages multiplier and Apple might stop infringing and instead seek licensing.

Additionally, I would ask that the USPTO consider suggesting to Congress a bill to protect patent holders so that patent holders may seek recourse in federal court of infringers much the way as copyright owners.

Sincere thanks for your consideration,

-Travis Creighton, patent applicant