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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 Michael Worden.

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General Comment

To Whom It May Concern,

Obviously everyone's time is very precious so please forgive me for skipping the traditional letter writing formats and getting straight to the point. I am an Industrial Designer with degrees in Business, Industrial Design and Technology Commercialization. I filed for my first patent over 30 years ago. I have been through numerous rejections, allowances and untold amounts of office actions in years past. I have consulted with numerous companies, inventors and the like and have talked to hundreds of people in R&D. While in the process of working on hundreds of products that have made it to market, while also doing licensing deals involving my work and inventions.

In short I can tell you now that independent inventors are struggling to keep their heads above water. Yes, the AIA has advantages for small companies and sole inventors but that is just a very small part of the picture. Nowadays the corporations have all of the money and resources

to do whatever they want. That includes using their incredible power through sourcing and logistics all the way of parlaying their relationships with the big-box retailers.

Unfortunately I along with countless others designers and inventors don't even apply for intellectual property protection for our work. Why....? For one we just can't afford to! Even if we get a patent after a couple of years, we have to sell/ use/ manufacture our work and then get it into the hands of the consumer. Again.... no easy task and the playing field is becoming more outbalanced.

I have also found that the big corporations have designers/ engineers/ inventors that apply and ultimately receive IP on their "ideas" versus traditional "inventions". Really searching nowadays it is not uncommon to review patents that are 30, 40, 50 pages long with more and more claims and more and more verbiage that can come down to a single word (or letter) that can be worked around or invalidated. It is an absolute mess in my opinion and the PTAB is just a way to add fuel to the fire.

I humbly ask that the USPTO reevaluate the current structure and think about all of the jobs, technologies, inventions etc. that we are losing! Please help us again create (and maintain) a system that gives a poor person with a great and unique idea a chance to get ahead in life (and business) so that our country can grow in the manner that our founding fathers had hoped we would.

Thank you.