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Discretion to Institute Trials Before the Patent Trial and Appeal Board

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Comment from Doron Barnea

Submitter Information

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General Comment

While Patents are an important idea, we need to make sure that it's not abused or mis-used for cases in which someone uses it not to really protect his idea (which should be what it's all about), but to aim for a generic definition of something arbitrary that covers tons of other more specific ideas.

This kind of mis-use, harms the creativity of people, preventing them to think and create, which is far more important than the concept of Patents. If we won't be able to allow creativity of people, what exactly are we protecting?

We can't and must not allow people to define such Patents. What would have happened if someone created a Patent on "Creating Airplanes", or, "Using the internet".

We can't always judge things rationally. Something that was very clear and acceptable 10 years ago, might not be that clear and reasonable anymore later.

Theoretically, what if I had created a Patent on 1950, protecting "The ability to build a vehicle to get to the moon". Not because I intend to do it, but just because I'm trying to hit as many future ideas, so I can get some money in the future. Would have NASA be able to do what it did if I had this Patent?

What if I file a Patent now, on 2020, protecting "The ability to transmit objects from 1 place to another without touching them". This might sound silly today, with no good reason not to

approve this Patent. But 30 years from now, it might be reality, in which case, I gambled right and will make a lot of money, not because I invented such an ability, but only because I have gambled right to block it.

Exactly for this reason, we must allow re-examining of Patents. We must allow reviewing of past decision, and in my eyes, challenge de-facto, whether the creator of the Patent has anything to do with what he is trying to protect, or it's just a "gamble" to get money int he future.