

PUBLIC SUBMISSION

As of: 12/1/20 10:59 AM Received: November 24, 2020 Status: Posted Posted: November 30, 2020 Tracking No. 1k4-9k9y-f5vp 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-2020-0055-0711

Comment from Kip Azzoni Doyle

Submitter Information

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General Comment

My name is Kip Azzoni Doyle. I am one of the mere 8% female inventors in the United States.

I hold three hard earned utility patents for my invention called The CardShark WalletSkin, a phone case that carries your credit cards on the back of your smartphone.

Www.cardsharkskin.com

I have faced so many infringers converting them to licensees and taking reduced settlements because I constantly face the intrinsic question how much would it cost for deep pocketed Infringer to forego the license and simply pay to IPR me in front of the PTA . The system is just rigged against us independent inventors and its got to stop. There will be no incentive left for inventors to stay in this country and slog through the patent process and face such tipped scales against us and in favor or the big rich thieves of IP. We will and are

Seeing such an exodus of IP Inventors to other countries where the patents are

Actually respected And independent inventors are not viewed as pariahs of society. Shameful how far the system has failed what the Founding Fathers built the entire Constitution upon.

Invention and innovation...

We have pleaded and begged for the below points. Please stop the rupturing of our Intellectual PRPERTY rights and herd the below points:

III: PROCEEDINGS IN OTHER TRIBUNALS

- a) The PTAB should not institute duplicative proceedings.
- b) A petition should be denied when the challenged patent is concurrently asserted in a district court against the petitioner, real party in interest, or privy of the petitioner and the court has neither stayed the case nor issued any order that is contingent on institution of review.
- c) A petition should be denied when the challenged patent is concurrently asserted in a district court against the petitioner, real party in interest, or privy of the petitioner with a trial is scheduled to occur within 18 months of the filing date of the petition.
- d) A petition should be denied when the challenged patent has been held not invalid in a final determination of the ITC involving the petitioner, real party in interest, or privy of the petitioner.

IV: PRIVY

- a) An entity who benefits from invalidation of a patent and pays money to a petitioner challenging that patent should be considered a privy subject to the estoppel provisions of the AIA.
- b) Privy should be interpreted to include a party to an agreement with the petitioner or real party of interest related to the validity or infringement of the patent where at least one of the parties to the agreement would benefit from a finding of unpatentability.

V: ECONOMIC IMPACT

Regulations should account for the proportionally greater harm to independent inventors and small businesses posed by institution of an AIA trial, to the extent it harms the economy and integrity of the patent system, including their financial resources and access to effective legal representation.

Stop destroying and bankrupting innovation!