

From: [Travis Creighton](#)
To: [successact](#)
Subject: SUCCESS Act Study
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Hello USPTO,

Below are my thoughts to your SUCCESS Act Study inquiry for which I felt I could respond. Additionally, I have included my current plans for future applications given the current state of US patent law and policies.

(3) What social and private benefits would you identify as resulting from increasing the number of patents applied for and obtained by women, minorities, and veterans?

The social benefit of increased patents for these groups would be to provide hope of betterment for themselves, their families, potential employees and their families, and America in general. Beyond the groups for which this is focused, patents in general should be publicized as a means for obtaining the American Dream. Patents have no inventor age limitations and the financial limitations have been greatly reduced with Micro Entity and the Pro Bono program, of which I am utilizing. However, the PTAB can completely destroy any value of increased patent endeavors at any time for 20 years. A business based on its IP as its kingpin would be hard pressed to find investors given the current law and the PTAB.

(4) What social and private benefits to small businesses owned by women, minorities, and veterans would you identify as resulting from increasing the number of patents applied for and obtained by those businesses?

It would stand to reason that having an issued patent would give a such an entity, not only a potential asset in hand, but also, perhaps, some stronger than casual internal drive to do something great with the asset. This could lead to more Americans being employed and further innovation. However, the PTAB can completely destroy this asset and, in fact, put the inventor in great financial harm.

(5) Should the USPTO collect demographic information on patent inventors at the time of patent application, and why?

No. Demographics should not matter to the filing and awarding of a patent. Unless you will be changing the order of prosecution based on demographics; but then, is that fair? Otherwise, it is just more erroneous data and more expense.

(6) To what extent, if at all, do educational and professional circumstances affect the ability of women, minorities, and veterans to apply for and obtain patents or to pursue entrepreneurial

activities?

Everyone can think and this does not require education; only experiences. In fact, some institutions might condition people to think 'their way' and not in a unique manner and thus inhibit creative thought. Sometimes, not knowing why something cannot be done, leads to a different perspective than those taught it cannot be done. Conversely, having an idea but not the means to pursue it due to financial issues is a problem, one I personally am having to navigate. Fortunately, the USPTO has the Micro Entity designation and Pro Bono program. I personally feel this area would be an excellent area to expand in order to acquire patent applications for the groups in question. Concerning the business aspect of monetizing an issued patent, the Small Business Administration (SBA) and the Service Corps of Retired Executives (SCORE) would be good resources.

(7) To what extent, if at all, do socioeconomic factors facilitate or hinder the ability of women, minorities, and veterans to apply for and obtain patents or to pursue entrepreneurial activities?

I don't believe socioeconomic factors technically hinder the pursuit of patents. A lack of knowledge of the existing programs that are available could be the problem. That being said, a simple Google search reveals the programs' existence. This is how I discovered the Micro Entity designation and Pro Bono program. As for being able to perform an internet search, public libraries have computers for use and there are programs that offer free phones to the poor.

(8) What entities or institutions, if any, should or should not play an active role in promoting the participation of women, minorities, and veterans in the patent system and entrepreneurial activities?

I feel an outreach to the following organizations to make them aware of programs for these groups would be of benefit: Small Business Administration, legal associations, inventor user groups (mine is Tampa Bay Inventors Council), Veteran's Administration if they provide any 'general Q&A Helpdesk' resources, "Maker" community groups, 9th-12th grade schools, 2 year and 4 year colleges and vocational schools, and the military for when soldiers think of exiting service. Patents need to be seen as a means of success and this needs to be taught.

(9) What public policies, if any, should the Federal Government explore in order to promote the participation of women, minorities, and veterans in the patent system and entrepreneurial activities? Are there any public policies that the Federal Government should not explore?

I think engaging the various local inventor groups with resources in hand (Pro Bono attorney/agent, engineer/CAD drawer, prototyping business, Pro Bono patent graphics drawer, etc.) would return great and rapid results. This is because if inventors have already searched for and found inventor groups, they are 'idea in hand' and eager to make progress.

(10) What action could USPTO take to address the participation of women, minorities, and veterans in the patent system and entrepreneurial activities?

Do away with the PTAB or fix the reasons it is needed. It scares me, and probably the groups for which you seek more applications, that the PTAB exists because it creates never ending uncertainty. And the ONLY reason it does exist is because of the failure of USPTO prior art searches and the claims. Think about that – it is true. Most all of the money and time spent in litigation is because of the prior art search and the interpretation of claims. More people will file, and have or find backers, if there were assurances that a US Patent was not in jeopardy of being invalidated at any moment.

(11) Are there policies, programs, or other targeted activities shown to be effective at recruiting and retaining women, minorities, and veterans in innovative and entrepreneurial activities? Are there policies, programs, or other targeted activities that have proved ineffective?

I don't know of any policies or programs that would help with obtaining these groups people. Conversely though, I do know that if the USPTO takes \$5,000 to issue a patent and then makes the female, veteran go through one or more PTAB trials and ultimately invalidates their patent, you will be working against yourself and America.

My current views of the USPTO and patent acquisition:

To seek more patent applications from anyone, let alone the groups this survey targets to help, without addressing the problem surrounding the PTAB is nothing more than, dare I say, [redacted]. It sounds harsh; but, let me explain. The USPTO takes their filing and, hopefully, issuing fee, along with full public disclosure, from the inventor and in doing so, after the USPTO performs what is to advertised be an exhaustive prior art search, promises 20 years of protection from the filing date. However, at the same time, the USPTO takes money from an inventor's competitor, or even infringing adversary, and, quite often, find grounds to invalidate the inventor's patent. These grounds only exist because the USPTO did not do their job well enough. Who has profited from this exchange? The USPTO, the competitor/infringing adversary, and the world. Who loses? The inventor. Fix the prior art search, claim interpretations, and grandfathering of patents and the need for the PTAB greatly diminishes.

When I go to file my PCT, I'll name the US as my Receiving Office (RO), but, at this time, my preferred International Search Authority (ISA), will be the European Patent Organization (EPO). If my finances are still an issue, my ISA will be the Korean Intellectual Property Office (KIPO). I feel these ISAs will produce a better search and thus a better PCT patent.

Best Regards,

Travis Creighton

  hours: M – F 9:00am – 4pm EST

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