

SUCCESS Act Public Comment

My Name is Kip Azzoni Doyle. I am the founder and inventor of the CardShark WalletSkin®. (www.cardsharskin.com) A simple solution to a problem we never knew we had. Credit cards, ID, cash on the back of your phone in the protection of a phone case. As a female patent holder, the SUCCESS Act is not only imperative in the defense of IP protection for any of us independent inventors, but it is also equally essential in restoring the just and right patent system that the United States once held the prestigious reputation as the very best country in all the world for patent protection. This fact is because our Founding Fathers had the prescience to write THE CONSTITUTION based upon the most important rights for inventors in an effort to grow business and create jobs and wealth. With strong patent system came a willingness to share knowledge and ideas versus what has happened as a result of corrupt practices that force independent inventors to fear the fallout to their INTELLECTUAL PROPERTY, yes, PROPERTY, if they go after the wrong infringer who can pay to destroy the patent holder with deeper pockets and a system rigged in the infringers favor.

Though I support increasing the number of women, minorities, and veterans who hold patents, I consider all independent inventors to be considered a minority in their own class and right. We are a small few whether we are female, male, or any other minority. INVENTORS ARE MINORITY CLASS and it is crucial that we concurrently increase the enforceability of those patents held by minorities of women, veterans or any other class, but mostly the patents held by this minority of people called independent inventors. Patents have become liabilities for independent inventors thanks to the PTAB and lack of strong enforcement in court. If the recommended legislation does not include increased protection of patents, we will end up destroying the lives of the very individuals we intend to help.

My story: I invented a phone case that holds credit cards on the back of the case. A simple solution to everyday problem. It was back when everyone would peel down the corner of their phone case and slide their credit cards behind their phone. I did my first iteration with duct tape and a male billfold taped to the back of the phone case. Then I set about getting a utility patent. I have three patents and fight every day to protect my IP from infringers. I rarely win and must always be careful they don't IPR me. Years of battling infringers and trying to convert them into licensees has been fruitless and certainly not been worth all the money spent to get the patents in the first place. I can't live off the proceeds from my own invention, but the infringers are huge companies and their sales are very lucrative. I don't see a penny. They know they have the money to IPR me and that 96% of the time those IPRs go in the favor of the infringers who bring the cases to the PTAB. We all know it and hate the system. Woman, or minority, the independent inventors are all minority class and we get called unjust names like patent "trolls". Here are the three things that make this work impossible to monetize and unsustainable for the independent inventor:

1. Independent inventors do not often have the means to compete with big businesses. They often spend all the money they have trying to get the protection of their IP by patenting it because they feel the patent should protect their invention. Big money

that they don't have. Getting investors today is a joke, read this article PLEASE This is the report that shows venture capital running from groundbreaking ventures. <https://www.usij.org/research/2018/7/9/us-startup-company-formation-and-venture-capital-funding-trends-2004-to-2017>

2. Inventors do not have the money to go after infringers and sue them for infringement either willful or any other.
3. Inventors don't have the money to also at the same time, manufacture their own version of their invention BECAUSE THEY HAVE SPENT ALL THEIR MONEY CHASING POINT 1 & 2.

Given the onus is on the inventor to a) come up with invention, b) patent invention, c) defend invention, oh and d) also manufacture invention, it is inconceivable that when the inventor cannot fund all these paths at the same time, they then try to call out an infringer who turns around and calls the inventor a patent troll!!!! ON THEIR VERY OWN IDEA. I have been called a patent troll, when I explained and then all but screamed at the big infringing company, I am NOT A PATENT TROLL, I wish I could be a practicing entity of MY VERY OWN IP, but due to deep pocketed infringers like them I can't afford all avenues to pursue. I am forced into being a non-practicing entity due to the financial constraints. In another instance where a company based their entire product line ON MY IP, I sent them a cease and desist letter, and they replied by suing me back claiming the letter I sent to their jurisdiction explaining their infringement was cause for damages to their company in their jurisdiction. So I, the inventor, cannot send a cease and desist letter to a company that bases their entire product line on my patented IP and instead sues me???? The cost to defend was exorbitant. I got no relief and the case of course should have been thrown out for improper jurisdiction as a frivolous lawsuit which should have been dismissed. No such luck.

The independent inventor is a pariah of society today. We were once heralded. My last story is one that addresses the woman owned inventor plea. I was bullied by a big tough CEO of one of the largest film companies in the world. Turns out his wife's company infringes fully on my **UTILITY** Patent. I set a meeting with her for a *hashtag me too* #metoo moment. The husband barges in, slams his fist on the desk and rips up a copy of my patent in front of me, for effect, I guess. Yells at me I would rather spend all the money I have on IPR'ing you than ever paying you a dime. The wife meekly sits and tells me she thought she had done research on her design patent so it was all ok. Her design patent was a joke versus my **UTILITY** patent. (You are aware of the immense cost difference between one design patent versus 3 Utility patents? Did they do me a shred of good? Not a shred. And, the husband used his clout at his movie firm's \$2,000 an hour law firm to threaten me. I had to walk away or be IPR'd by the bully of a man who clearly didn't let his wife do any of the negotiating or in this case pummeling of me, female, indie inventor. I will tell you how much that one alone cost me when I was forced to walk away from that losing battle: 1 million dollars! I would be IPR'd and the threat of losing all my patents because the system is corrupt was too great so I walked away.

Last point: I was a single mother living in a small one bedroom apartment in NYC and I raised my four children alone. I invented the CardShark and spent my only money I had to protect it so I could make money on a great, simple universal need. I was going to put my kids through college on this company. I haven't even made enough money off this to keep me from having to embark on several other jobs to support myself and my family. It's wrong and unfair.

Yes, we sound like victims, because we are. All of us have been forced into the victim mentality of negativity and fear for our hard-earned IP. If we had a strong patent system where the words IPR and PTAB didn't immediately mean death to all our dreams, then we could prosper and grow the economy through jobs and positive and productivity. This is completely backwards and I am sure the Founding Fathers are rolling in their graves at the state of their once beloved and world-renown regaled patent system.

Bottom Line: Trying to be a woman patent owner is also a joke. I read on some website, 9% patent holders are women. It asked me to join some forum and participate and gain traction with my patents. The banner was some click through. When they responded there was no forum. There was no support for women inventors. It was completely consistent with how I feel about the patent system for all of us minority of indie inventors. Useless and bogus. WOSB filings have done me zero good. ZERO. The USPTO is no different. As a patent holder, I consider myself in the minority of people willing to chance it all in society and take the risk all for an invention worthy to patent. So to further my minority status as a subset in this minority, that is to say that I am an inventor, and a FEMALE INVENTOR, the SUCCESS ACT is very important to me.

In answer to the 4th question posed by the USPTO, the social and private benefits to small businesses as a result of a higher number of patents obtained is nonexistent. As I and many other inventors have learned, holding a patent means nothing to large companies. The promise of a brighter future where you are able to attract investment, build a business, and support your family through patent ownerships is a lie. With such high PTAB invalidation rates, investors would be very unwise to invest in a brilliant, patented idea, so the inventor is forced to pour their own savings into the project. The USPTO's actions are directly preventing success for independent inventors. Then, if the inventor has a profitable idea, a large company will want to use it and it will be cheaper and easier for them to challenge the validity of the patent than to work out a licensing agreement. According to the 2017 AIPLA Report of the Economic Survey, the estimated mean cost of a post-grant proceeding through appeal is \$450,000.00. What independent woman, minority, veteran, or member of any other unrepresented class has that kind of money? The USPTO must stop taking patents back from inventors.

On question seven, the real impact of socioeconomic disadvantage is seen when an independent inventor attempts to enforce his or her patent. Current law limits most inventors who win in court to only a "reasonable royalty", which in many cases does not cover legal fees and is too little to serve as a deterrent against large corporations with deep pockets. Few inventors, particularly the underrepresented classes being discussed through the SUCCESS Act, can afford the millions of dollars and years required to enforce their patents in court. Since taking a patent infringement case on contingency is impossible, inventors cannot get their day in court. Even after winning, the inventor gets a small percentage of the profits while the infringer keeps the rest. Infringement is a good business decision under current law. The legislative recommendation must include more severe penalties for willingly infringing on patents.

Sincerely,
Kip Azzoni