

SUCCESS Act Public Comment

I am Dr Keir Finlow-Bates, founder of the blockchain startup Chainfrog Oy, which produces a product called Blockbinder. I am an independent inventor and hold 6 US patents with about another 24 applications pending, which I finance and prosecute myself.

As an independent inventor I see the SUCCESS Act as an important milestone in patent legislation in the US, mainly by drawing attention to greater underlying issues with the US patent system as a whole.

Although the focus of the SUCCESS Act is on improving the obtaining of patents by underrepresented classes, as an independent inventor I strongly believe that any action that benefits any subgroup of “small players” in the patent space will have a knock-on effect for other lone inventors. In particular, it is my hope that the SUCCESS Act will lead to a reduction in the powers of the PTAB, which has frequently been described as a “death squad for patents owned by small entities”.

I have yet to face an attempt by a large company to invalidate any of my patents, but I believe this is just a matter of time – the technology area that I innovate in, blockchain, is still new, but when larger technology companies start profiting from blockchain and infringing my granted patents, I expect that their first response will quite possibly be to file IPR petitions. Quite frankly, I am dreading the day that the first PTAB IPR petition arrives on my doorstep.

The Request for Comments poses the following interesting question: *“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?”*

None. It would be a liability to them.

Encouraging women, minorities and veterans to obtain patents under the current system is to encourage them to take great financial risks with a low chance of any reward. The patent granting process is already fraught with cost and risk, however this risk is understandable and quantifiable – patents should be granted on genuine innovation.

However the subsequent risk of, after having paid and worked to obtain a patent reviewed by a qualified patent examiner, only to have struck down arbitrarily by the PTAB at the whim of a large financially rich corporate entity unwilling to pay the lawful royalties that the patent is supposed to award the inventor, is too great.

The PTAB IPR system needs to be overhauled to redress the balance in favor of the individual inventor. That was the whole point of the “patent deal” between inventor and state, and this crucial aspect has been lost.

As an independent inventor I sometimes wonder why I have put myself through the process – however, inventing is in my blood. True inventors have to invent, just as true writers have to

write. Writers are lucky – the PTAB doesn't take their novels off them, or demand they hand the copyright over to the big players.

Sincerely,

/Keir Finlow-Bates/

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