

PUBLIC SUBMISSION

As of: 11/19/20 2:00 PM
Received: November 15, 2020
Status: Posted
Posted: November 17, 2020
Tracking No. 1k4-9k3i-fmoh
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-2020-0055-0267

Comment from George Burkhardt

Submitter Information

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General Comment

I am an independent inventor with 8 US utility patents and 1 patent pending. My business is to license the patent rights to open innovation companies of which I have/had 5 licenses on different patents.

I am afraid that if any of the licensed patents are monetarily successful, they will be subject to infringement and/or PTAB patent invalidation due to unfair PTAB proceedings especially applicable to independent inventors and small businesses. As with any other property, intellectual property validity determination should be accomplished by the courts via a jury trial and not by a PTAB panel.

Independent inventors and small businesses have put a lot of hard earned money into patents and related businesses only to see a large company with unlimited funds invalidate patents in their way via the PTAB.