

# PUBLIC SUBMISSION

<b>As of:</b> 12/1/20 10:40 AM
<b>Received:</b> November 23, 2020
<b>Status:</b> Posted
<b>Posted:</b> November 24, 2020
<b>Tracking No.</b> 1k4-9k93-mu04
<b>Comments Due:</b> December 03, 2020
<b>Submission Type:</b> Web

**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-2020-0055-0691

Comment from David Nelson

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## Submitter Information

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## General Comment

In my field of acoustic noise control, its not uncommon for patents to restate long-existing public-domain methods, overlap with other existing patents or existing products, to be technically spurious, or so wide-ranging as to be absurd. There used to be a feature in the Journal of the Acoustical Society of America documenting new acoustical patents - so many of which were ridiculous that it was viewed as comedy. The general (and surprising) ignorance in the engineering world of anything having to do with noise only compounds the problem. In my almost 40 years in the business I've seldom come across a technology that was actually patentable, in my opinion.

I imagine that similar things happen in other fields, especially those that are obscure (like ours) or rapidly developing (like IT).

The patent system is not robust enough to prevent worthless or invasive patents to be granted to the poorly informed or ignorant, or to the unscrupulous/patent trolls in general. There is and always will be plenty of cleanup needed.

For instance, if someone were to claim to have patented the idea of a computer-based sound measurement system, long after they had become common, most companies who make such things (most of which are small) would simply not sell the software in future. The patent trolls, who have patented the technology but produce no competing product, would not sell it either. Result? No measurement software from the US. Software would instead be provided from other

countries, chiefly China.

In this way, limiting Inter Partes Review would stifle innovation and could make the whole technical world hostage to people who did not actually participate in its development. Therefore I recommend strongly against any action that limits Inter Partes Review.

In my opinion the chief obstacle seems to be the excessive cost of 1) defending and 2) challenging a patent, which chiefly benefit large corporations, corporate attorneys, and their political cronies.