

## Inventors Network of the Capital Area

P.O. Box 18052  
Baltimore, Maryland 21220

Dear Honorable Members of Congress, June 1, 2011

I am writing you today to share a few concerns members of the Inventors Network of the Capital Area (INCA) and I have about H.R. 1249, the America Invents Act. INCA, an inventor education organization, represents over three hundred inventors and entrepreneurs in the Maryland, Virginia, and DC area.

### Unsupported Claims Made by the United Inventors Association Concerning US Independent Inventors

You may have already heard from the United Inventors Association (UIA) on the topic of patent reform. The UIA president stated at the 2010 USPTO Independent Inventor Conference that the UIA has ten thousand members. When I served on the board of the UIA last year the UIA's own financial records disclosed only just over three hundred and fifty dues paying members.

The UIA president and executive director claim independent inventor members of the UIA do not take issue with H.R. 1249.

It is interesting to note that the Inventors Network of the Capital Area (INCA) is a group member of the UIA.

The INCA board and membership have never been contacted by the UIA concerning H.R. 1249.

If this gross oversight was unintentional we kindly ask UIA management to correct this.

It may also be interesting to note that the previous UIA executive director sent a letter to the Honorable John Conyers and other government officials in March of 2010 on the topic of patent reform. This letter specifically addressed "first inventor to file" vs. "first to invent." This letter stated the UIA management's position on this topic. The inclusion of the names of all the UIA board of directors in the left hand margin of this letter implied that all of the UIA board members voted in favor of sending out this letter and also agreed with its point of view. This was **not** the case as this letter was **not** brought before the full UIA board for a review or vote. I did not receive a copy of this letter for review before it was sent out to by the UIA management to government officials. The inclusion of my name on this document was done **without** my permission. A copy of this letter can be found below.

In light of the facts shared above it may be asked if UIA management really reflects the positions of US independent inventors, its own inventor members, its own inventor organization members, and even its own board of directors.

### H.R. 1249 Is Financially Burdensome to Startups, Entrepreneurs, and Small Businesses

If this bill passes our members will have to file often, file earlier, and file more. This increase in the speed and quantity of filing patent applications will cost a great deal more on the front end of the innovation process. Paying more during the initial stages of product development will make it very difficult for new companies, inventors, and entrepreneurs to make it to the next important milestones required to successfully launch new products. More money spent on the patenting process means less money spent on marketing, research, prototyping and so on. Larger companies that have been established for a long time can afford this spending increase, but this increase in patenting costs will crush many new startups. Slowing down small business and entrepreneurial innovation will also cost the US economy thousands of jobs and billions in tax revenues.

Another article that we would like to share is *Patently Absurd or: How to Go From the World's Best Patent System to Worse-Than-Most in a Single Step* [http://www.huffingtonpost.com/gary-lauder/patently-absurd-or-how-to\\_b\\_832703.html](http://www.huffingtonpost.com/gary-lauder/patently-absurd-or-how-to_b_832703.html) . This article summarizes many of the concerns we and other US inventor communities have.

### H.R. 1249 First to File Will Increase the Patent Application Backlog and Decrease Patent Quality

H.R. 1249 will increase the backlog of patent applications the United States Patent & Trademark Office already has to examine as the passing of this bill into law would create a rush to file patent applications due to the First to File provision. Rushing to file patent applications will only decrease the quality of the patent that may eventually be granted.

### H.R. 1249 First to File is Unconstitutional

H.R. 1249's First to File provision is unconstitutional. The US Supreme Court also holds that the First to File provision is unconstitutional. Please see the following article *Supreme Court Upholds "First-to-Invent" Standard in U.S. Patent Law* <http://www.businesswire.com/news/home/20110606006646/en/Supreme-Court-Uphol>

Please let me know if you have any questions concerning the viewpoints and facts shared in this letter. Thank you for a moment of your valuable time.

Sincerely,

Glen Kotapish  
President, Inventors Network of the Capital Area, [www.dcinventors.org](http://www.dcinventors.org)  
Former Board Member, The United Inventor Association, [www.uiausa.org](http://www.uiausa.org)



Since 1990, the UIA has been the national 501(c)3 non-profit dedicated to inventor education and support. Our Mission is to provide reliable information to inventors, as well as Certification to inventor groups and inventor-friendly firms who agree to comply with rigorous professional and ethical standards.

March 11, 2010.

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Hon. Conyers, Chairman (MI14)  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, DC 20515

CC: Karen G. Mills, Administrator, U.S. Small Business Administration  
Gary Locke, Secretary, U.S. Department of Commerce;  
David Kappos, Under Secretary of Commerce for IP and Director of the USPTO

We are writing to you today concerning the Patent Reform Act (Senate bill S. 515 and House bill H.R. 1260).

Since 1990, the United Inventors Association (UIA) has been the national 501(c)3 non-profit dedicated to inventor education and support. Our Mission is to provide reliable information to inventors, as well as Certification to groups and inventor-friendly firms who agree to comply with rigorous professional and ethical standards. Our industry newsletter reaches over 10,000 independent inventors and 70 inventor groups nationwide. See our website [www.uiausa.org](http://www.uiausa.org).

The UIA's current policy and mission statement do not include a mandate to lobby to influence legislation of any kind. Though we are certainly not indifferent to the many implications and passionate opinions surrounding Patent Reform, the UIA as an organization is officially not involved in any campaign against this proposed legislation.

While certain ad hoc "coalitions" and "alliances" have voiced their opposition on behalf of all independent inventors nationwide, the UIA would like to clarify that any inclusion of the UIA and its membership in such opposition is not based in actual fact.

Specifically, we are concerned that independent inventors may be portrayed as universally opposed to "first inventor to file" versus "first to invent". Please know that our membership has not brought this to our attention, nor are we aware of any case of "interference" that resulted in the loss of patent rights by an independent inventor. And though we have not been able to scour every email, phone call or mail correspondence in our 20 year history, we nevertheless cannot recall such a scenario.

We have been very impressed and appreciative of USPTO Director Kappos' outreach to the independent inventor community, and in particular, his concrete proposals to reduce patent pendency, extend the provisional period to 24 months, and create a new "micro-entity" class with fees more tailored to independent inventors' limited personal budgets. These strike us as practical and beneficial initiatives that address the true challenges our members face.

Meanwhile, the UIA's focus remains on providing independent inventors with what they really need to succeed: reliable information supported by careful studies, certification to inventor-friendly firms and practical educational tools to see ideas become real inventions, real wealth, and real jobs. Together, we strive to keep inventing safe, rewarding, and fun!

Sincerely,

Patrick Raymond  
Executive Director  
United Inventors Association  
[praymond@uiausa.org](mailto:praymond@uiausa.org)