

From: Gary Zaccaria [e-mail address redacted]
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Subject: Patents
Importance: High

To: Hiram Bernstein, Senior Legal Advisor, Office of Patent Legal Administration

I am writing to you as an individual inventor and patent holder.

Mr. Bernstein if the "First Inventor to File" proposal is adopted, instead of improving the patent system and process, it will have the following impact.

1. The creation of "patent mills" by large, well funded corporations who will be submitting vast quantities of low quality and poorly researched patent applications in order to stake claims on technology and other inventions.
2. The "First Inventor to File" proposal is inherently contrary to "fair play" because it opens the door to greater abuses by industrial espionage, more litigation, and casts a chilling effect over small individual inventors who have long contributed well thought out and well researched patents and innovations which have had dramatic impact on improving our society for the advantage of all. If adopted, a small inventor would have no opportunity to work on an invention and take the common sense approach and the steps to bring an invention to market because at any time he could be simply cut down because a later inventor who was not first to invent, became first to file.
3. We are already seeing examples of corporate patents, particularly in the internet arena, where the prolixity of the claims are a good example of the lower quality patents which will be filed if "First Inventor to File" is implemented. And it is no longer unusual to see patents with 50 or more claims.
4. These large corporations, with the help of Washington lobbyists, have instigated these "reforms" have focused on using the patents like "chess pieces" in litigation. We see evidence of this by large corporations buying out other companies for nothing else except their "patent library".
5. The congress granted Patent Rights for the purpose of commercializing new inventions for the benefit of all. It was never intended to grant a disparate advantage to those who have large legal staffs who will simply become "patent mills" for the large corporations who plan to "corner technology". First Inventor to File is not for the benefit of all because it will stifle the efforts by small inventors who are unable to "roll the dice" because they cannot risk \$10,000, \$20,000, \$50,000 or more on their ideas becoming inventions because they will not have any opportunity in the market place to work with any other entity to commercialize the invention due to the fact that at any time they will be subject to losing their invention to someone who rushes to the patent office and files a patent that is perhaps not the actual subject invention, but close enough to create a legal impediment for the true inventor. Large corporations, with millions and even billions of dollars would be able to take advantage of the system in a way that the Patent Rights system never intended to be possible. An inventors "notebook" would be erased by the "checkbook" of a large corporation.
6. Already we have a considerable threat in that Google Patents is being used by inventors both large and small and the searches therein are being recorded by Google and evaluated. There is no reason to believe that the information gained from those searches cannot be used to usurp a competitive advantage while inventors

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"patterns" of searches are studied and in doing so may enable the company to "rush to patent" while an inventor is merely conducting the appropriate research. Google is a main proponent of the First Inventor to File system and should not be permitted to operate any type of Patent search system which retains information about searches and search patterns.

For these reasons, I respectfully object to the implementation of the proposed "First Inventor to File" system and instead, support the status quo of "First to Invent". If there are other aspects of the law that can be modified to address improving the backlog then those specific problems need to be addressed, but there is no reason to believe that the "First Inventor to File" system would not increase the backlog by giving these large corporations the opportunity to create "Patent mills".

Thank you,

Gary Zaccaria