

January 18, 2012

David Kappos
Director
United States Patent and Trademark Office
Mail Stop Office of the Under Secretary and Director
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Request for Comments on Additional USPTO Satellite Offices for the Nationwide Workforce Program, Docket No. PTO-C-2011-0066

Dear Director Kappos:

The America Invents Act takes a positive step toward patent reform by expanding the USPTO through the establishment of satellite offices that make it more accessible, efficient, and timely. Locating an office in Colorado serves the key USPTO goal of achieving better outreach and improving engagement with the patent community. It will also enable the USPTO to attract and retain highly qualified patent examiners, thereby promoting the twin USPTO objectives of reducing application pendency and improving patent quality.

My perspective on this opportunity is not merely based on my deep engagement in the Colorado innovation ecosystem and my work here at the University of Colorado, but also is rooted in my work on innovation policy at a national level, most recently at the National Economic Council. It is not an accident that my time in Boulder has deepened my understanding of innovation policy. Boulder is one of the nation's most active innovation centers in the United States, with the highest number of software engineers per capita in the nation.¹ Strong innovation ecosystems also exist across the region in Denver, Ft. Collins, and Colorado Springs—making the entire “Front Range” a force in innovation. By placing a USPTO satellite office in Colorado, where other government institutions (including NREL, NIST, and NOAA, to name a few) are already located, the federal government can tap into and further advance this impressive and important innovation ecosystem.

The placement of a satellite office here in Colorado will serve the USPTO well by enabling the office to attract and retain high quality and dedicated employees. In my experience, validated by a range of companies in our innovation ecosystem, Colorado develops and attracts employees who are very talented (thus the designation by Forbes and others for Boulder as the smartest city in the U.S.), hard working, and loyal. For the patent office to succeed in implementing the goals of the America

¹ Vivek Wadhwa, *Why Boulder is America’s Best Town for Startups*, Business Week, Apr. 22, 2010, http://www.businessweek.com/smallbiz/content/apr2010/sb20100421_531161.htm

Invents Act, attracting such employees to the Patent Office's patent examiner ranks is essential. Locating a satellite office where such employees are in plentiful supply is a great step in this effort.

In terms of the University of Colorado Law School, I can affirm—and our track record backs this up—how we will be work in partnership with such an office and provide continuing educational and professional development opportunities for USPTO officials. As Dean of the University of Colorado Law School and Executive Director of the Silicon Flatirons Center, I am proud of how our law school has become a hub to facilitate connections amongst faculty, students, entrepreneurs and innovators in Colorado. We are already a thought leader in this space with few universities able to match what we have going on. With the Technology Journal hosted at the Law School, a LLM program in Technology and Entrepreneurship, clinics in Technology Law and Entrepreneurship, and world-class conferences, we bring together a range of participants from the ecosystem in a number of important ways. This foundation will integrate well with a USPTO satellite office based in Colorado, creating interesting opportunities for collaboration, ranging from providing meaningful education and engagement opportunities for Patent Office employees to professors and community members interested in partnering in research and support for the mission of the office. Let me elaborate.

I. The University of Colorado Law School, located in the heart of one of the largest entrepreneurial ecosystems in the United States, embodies the spirit of entrepreneurship by strongly encouraging innovation. With so many entrepreneurs drawn to the educational and collaborative Colorado environment, a USPTO office will have access to a large and diverse community of patent filers and be apart of a vibrant ecosystem.

Numerous popular press articles have highlighted Colorado as a top location for technology and entrepreneurship. This status can be attributed, in part, to the educational excellence provided by Colorado's higher education institutions, including the University of Colorado Law School, which is dedicated to innovation and entrepreneurship. Colorado Law and its research centers are committed to furthering innovation and entrepreneurship through education and public and private collaboration. Some of the many entrepreneurial initiatives supported or spearheaded by the University of Colorado Law School include:

- Traditional **Course Offerings**² at the University of Colorado Law School focused on patent and trademark law and policy. Some available courses include Introduction to Intellectual Property Law, Patent Law, Patent Litigation, Trademark and Unfair Competition, Intellectual Property Counseling and Prosecution, and IP and Technology Contracting. In addition to numerous opportunities to learn the theory of intellectual property law, students can obtain practical experience in technology policy and the development of successful businesses around innovative technologies. Experiential opportunities include the **Technology Law and Policy Clinic**,³ which teaches students to provide analytical support to

² Course Descriptions, COLORADO LAW, <http://lawweb.colorado.edu/courses/courses.jsp> (last visited Jan. 13, 2012).

³ Samuelson-Glushko Technology Law & Policy Clinic, COLORADO LAW, <http://www.colorado.edu/law/clinics/tech/> (last visited Jan. 13, 2012).

regulatory entities, courts, legislatures and standard setting bodies on new technology issues, and the [Entrepreneurial Law Clinic](#) (ELC),⁴ a legal clinic for third year law students that both trains student attorneys through practical transactional experience and offers valuable legal services to the local entrepreneurial community. Each year the ELC provides free legal advice and services to 12-14 early stage companies in the Boulder-Denver area. Because these graduate students, professors, local entrepreneurs, and start-up companies do not otherwise have access to capital, the services would not be available to them if not for the ELC. The clinic's students provide additional community outreach by teaching at least four general legal business classes a year to address the legal needs of small business owners. These opportunities not only educate the patent lawyers of tomorrow, but also aid the community in developing successful platforms for their innovative and patentable technologies. *We would be delighted to, wherever possible, open up such courses—or even just individual lectures—to USPTO employees.*

- The [Silicon Flatirons Center](#)⁵ is a research and policy center dedicated to elevating the debate around technology policy issues, facilitating the development of “human capital” and the promotion of entrepreneurship in the Colorado technology community, and inspiring student interest in technology law and entrepreneurship. For over ten years, SFC has provided a forum for the local and national community to address and resolve legal and regulatory issues raised by innovative technologies. Each year SFC hosts nine seminars, an annual conference, and numerous roundtable discussions involving academics, regulators, and industry leaders focusing on these issues. Recent roundtable discussions have focused on bringing angel investors to Colorado, as well as the state of the private equity and venture capital industries. SFC also hosts monthly New Technology meetups that consistently bring hundreds of technologists together, an Entrepreneurs Unplugged series, and an educational Crash Courses for Entrepreneurs series. These opportunities allow innovators to connect and collaborate to improve their products and increase their chances of success. The Center’s many initiatives provide educational and professional develop opportunities for patent professionals, as well as helping to build and develop the innovative community in Colorado. Indeed, this spring, we look forward to you joining us to speak at a patent policy conference, joining a long list of government officials to join us.⁶ *We traditionally extend free admission for all of our events to government employees and that would cover USPTO employees, who would have access to top-notch enrichment opportunities as a result.*
- The [Energy Innovation Series](#)⁷ is a collaboration between Colorado Law, the Renewable and Sustainable Energy Institute (RASEI), and Silicon Flatirons Center focused on innovative efforts in transitioning to a sustainable low-carbon energy system. The series helps balance the discussion and education on new technologies to include sustainable energy. Although in its inaugural year, the series has brought leaders from government, law,

⁴ *Entrepreneurial Law Clinic*, COLORADO LAW, <http://www.colorado.edu/law/clinics/entre/> (last visited Jan. 13, 2012).

⁵ *About Us*, Silicon Flatirons Center, <http://www.silicon-flatirons.org/aboutUs.php> (last visited Jan. 13, 2012).

⁶ See <http://www.silicon-flatirons.org/events.php?id=1060>.

⁷ ENERGY INNOVATION, <http://www.energy-innovation.org/> (last visited Jan. 13, 2012).

finance, industry, and academia to discuss both key aspects of the energy challenge, as well as some of the innovative approaches and solutions being fashioned across a range of sectors. Speakers so far have included former Colorado Governor Bill Ritter, National Economic Council Advisor Jason Bordoff, and Dr. Daniel Yergin, Chairman of IHS Cambridge Energy Research Associates.

- **Startup Colorado**⁸ is a regional initiative affiliated with the Startup America Partnership intended to spur new company creation by increasing the breadth and depth of the entrepreneurial ecosystem across Colorado's Front Range. By supporting entrepreneurial education, facilitating discussion among entrepreneurs, bringing students to startups, assessing barriers to innovation, and broadly engaging the community, Startup Colorado will help develop new businesses and improve the economic base in the state. Not only will this initiative help retain educated and innovative individuals in Colorado, it will continue to develop the patent-filing community. So far the initiative has succeeded in building collaborative community gatherings (called "meetups") in Colorado Springs and Denver, getting larger Denver companies to make commitments to help startups (such as providing data center access), and garnering the support of over 40 companies for a summer entrepreneurial program offering internships and education to young entrepreneurs.
- The **CU New Venture Challenge**⁹ is a cross-campus business plan competition offering intensive business planning and development workshops and mentorship opportunities for University of Colorado students and the surrounding community. This cross-campus initiative brings together students from the Law School, the Interdisciplinary Telecommunications Program, the Computer Science program, the Journalism school, the Business School, the Alliance for Technology, Learning and Society Institute (ATLAS), other departments, and the broader community. With this program in place, innovators will have the framework they need to build high growth companies around valuable intellectual property.

In short, a USPTO satellite office located in Colorado will benefit from engaging with the intensely eager and innovative entrepreneurial community, and learning from the many educational opportunities made available by the University of Colorado Law School.

II. In addition to educational and professional opportunities for USPTO employees, a Colorado satellite office will allow the USPTO to better connect and communicate with patent filers and innovators, which will reduce application pendency and improve the quality of applications filed.

More and more entrepreneurs recognize the value of the community, talent, energy, and active lifestyle offered by Colorado. A USPTO satellite located in the heart of a growing and vibrant Colorado entrepreneurial community will allow it to better connect with patent filers, innovators,

8 STARTUP COLORADO, <http://co.startupamericapartnership.org/> (last visited Jan. 13, 2012).

9 *About Us*, NVC, <http://cunvc.org/about/> (last visited Jan. 13, 2012).

and investors through increased communication and community involvement. As a result, application pendency will decrease as quality improves.

The proximity of the office to patent filers greatly affects communication, which impacts the quality of the application and speed of the application process. As part of the local Colorado community, USPTO officials can attend continuing legal education and professional development events with innovators and patent filers to hone their trade while building a professional rapport. These relationships will enable faster and more efficient communication between the patent office and community, thereby increasing the quality of the applications filed. USPTO officials will also have the opportunity to educate the community on the office's internal processes by providing insight and suggestions to increase application accuracy and diminish pendency. The level of cooperative spirit in the community—and the researchers at the University of Colorado—also promise to provide new thinking and experimentation opportunities to improve our system of patent administration. Finally, because Colorado has a base of strong technical talent and employees with a high degree of loyalty, the strength of the USPTO's patent examination team will be greatly enhanced by opening up such an office.

Finally, a central national location will not only support Colorado innovators, but those throughout the United States through the benefit of a central time zone and shorter travel time for in-person meetings. Although time zone differences are a fact of life, they do often cause process delays and miscommunications. The Mountain Time Zone gives those on the west coast additional time each day to contact the USPTO with questions or to address concerns about an application. Further, when applicants must appear at a USPTO location, they will find it easier and more cost effective to travel to a central location like Colorado than to travel to the east coast.

III. The University of Colorado Law School has and will continue to provide customized continuing legal education and professional development programs for the patent community, including USPTO officials and employees.

During my first few months as Dean of Colorado Law, I committed to increasing the number of continuing legal education and professional development opportunities available to alumni and the broader legal community. I believe deeply in the value of training and re-training the legal profession to hone skills and build networks among those in the industry. In doing so, the profession maintains its integrity, increases product quality, and remains intellectually honest.

The area of patent law and policy is of special interest to myself and my colleagues. Working with the Law School and Silicon Flatirons, the Colorado legal community has established an IP Inn of Court. We also have regular events focused on the issue and that will only increase as the USPTO implements the America Invents Act and your bold and important vision for patent reform. If you have any questions about Colorado's interest in this office, and why I am firmly convinced it is a natural choice, please feel free to be in touch

Sincerely,

Philip J. Weiser