

The Manufacturing Policy Project

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Mr. Jon P. Santamauro
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Department of Commerce
plharmonization@uspto.gov.

Subject: Request for Comments on International Efforts to Harmonize Substantive Requirements of Patent Laws: (Docket No. PTO-C-2007-0018)

I am an economist and author who studies development issues. My book Hot Property (Knopf 2005) examined the history of the U.S. patent system and its role in national development. My other works have examined the question of "patent reform," and include studies for the U.S.-China Economic and Security Review Commission and the Small Business Administration. I offer the following comments.

(1) Priority of Invention.

John J. Sullivan, General Counsel of the U.S. Department of Commerce (DOC), presented to Congress the Department's views and that of the U.S. Patent and Trademark Office on this issue to the Congress in a letter of May 16, 2007 to Chairman Howard Berman, Chairman of the Subcommittee on Courts, the Internet, and Intellectual Property, Committee on the Judiciary, U.S. House of Representatives. A copy of that letter is attached.

The position of the DOC and USPTO presented to the Congress was,

*"While DOC recognizes the potential benefits of a first-to-file system, we do not support immediate conversion to first-to-file via this legislation." ...
"In this regard, we believe that any U.S. commitment to convert to first-to-file should be contingent on*

