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Sent: Sunday, April 23, 2006 4:40 PM

To: DDP.Comments

Subject: Comment on proposed elimination of the Disclosure Document Program

My name is Yve Golan. I am the President of a product development and design company, World Innova Corp. After graduating from Cornell Law School and clerking on the Ninth Circuit Court of Appeals, I worked as a lawyer for three years before starting World Innova.

I often help inventors -- myself included -- get their product licensed to manufacturers. Individual inventors -- myself included -- have used the DDP because it is an easy and cheap way to document the invention date and the inventor's identity. I have known of no one who confuses the DDP with a provisional patent application. The USPTO makes us sign enough documents with the warning that I question that any literate person is confused.

The USPTO states that "few, if any, inventors obtain any actual benefit from a disclosure document." Let's make clear what we mean by "actual benefit." The DDP does not give "actual benefit" in the sense of determining the outcome of a lawsuit. The DDP office has probably rarely been called to pull up a specific document. But the DDP gives *enormous* actual benefit in that it allows everyday people to have some security before they share their idea with prototype artists, market researchers, patent agents, patent attorneys, and others.

Too many inventors take their invention with them to their grave for fear that someone will steal their idea. Whether this fear is irrational is beside the point: the fact is that they have this fear. DDP offers a cheap and easy way to allay these fears, increasing the likelihood that their invention will see the light of day.

The USPTO also states that "a provisional application for patent affords better benefits and protection." Sure it's better. Just like a Ferrari is better than a Honda. While a PPA can be filed for as little as \$100 (for a small entity filing), most individual inventors are not sophisticated enough to file the PPA themselves. They have to hire a patent attorney or a patent agent. That means they actually spend closer to \$2000-\$5000 for the PPA. Also, the PPA's protections last only for one year. To many inventors, this is simply too short a period of time to develop their product, get the prototyping, the market research, and the distributor or licensing contracts in order. The DDP, on the other hand, gives the inventor two years to get the research in order. After those two years are up, the inventor can intelligently assess the market potential of the idea and determine whether to file a PPA or a patent.

In other words, consider your neighbor. He has no legal background, and no scientific expertise. He has a great idea for a gizmo. He talks to an attorney, and the attorney (correctly) tells him: "You have three options. First, you can hire me to file a PPA. That will cost you about \$5000-\$6000, plus expenses. Second, you can instead hire a patent

agent, who has no law license. He will do it for about \$2000-\$3000. Third, you can instead work on the prototype and the research with others by using a confidentiality agreement. But if someone else files a PPA or a patent before you, even if they got their idea AFTER you, you are simply out of luck. Oh, and another thing, it's hard to prove a breach of a confidentiality agreement. What if your prototype guy was talking to one of his engineers about it at a coffee shop and some unscrupulous person overheard? You'll have a hard time proving that one, buddy."

Individual inventors often do not have (or do not want) to spend \$2000 for initial IP protection. And they are often too paranoid (or too cautious) to work on the product and the research with just a confidentiality agreement. So, they take their idea to the grave with them. The DDP has been a godsend to these inventors.

Without the DDP, the USPTO might put all their eggs in the "inventor's notebook" basket. The inventor's notebook -- to me -- is an archaic joke. First, you get a bound notebook, individually number all of the pages (ALL!), date each entry of your idea, and then take it to some disinterested third party or a notary to sign. Make sure that you fill each page with writing before the third person signs it and dates it, else it will look like you added information after their signature. Make sure their signature includes the statement that they have read and understood the contents, and that the page was filled with writing at the time of their signature. Make sure to number your pages. And make sure to tie it around your neck since you have to document everything in there. If someone cannot understand the DDP, they surely won't be able to successfully maintain an "inventor's notebook." And the inventor's notebook is so susceptible of fraud, forged signatures, or collusion in signatures or dates that its worth is dubious, at best.

Why not make it possible for inventor's to file a DDP online or using e-mail, cutting down on storage and filing costs?

Best Regards,
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