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To: micro_entity
Cc: INCA list
Subject: Comment

I have read the proposed rulemaking concerning microentity status, and have a question concerning the following section:

"...Further, if an applicant assigns or is obligated to assign the invention to more than one assignee (*e.g.*, half interest in the invention to two assignees), **each of the assignees must meet the requirements in the micro entity standard** (either by meeting the income limit specified in 35 U.S.C. 123(a)(4),
or
by being an institution of higher education under 35 U.S.C. 123(d)) for the applicant to claim micro entity status under 35 U.S.C. 123...."

(I have inserted line breaks to make more clear the basis for my comment.)

I can read this that an "institute of higher learning" will automatically qualify as a microentity, whereas as an independent inventor I do not, because of the unusually strict income and prior application rules.

Can this be true? If it is, then it is another sad example of how large organizations have influenced rulemaking to suit their own ends, to the disadvantage of small inventors. How could an institution of higher learning under any interpretation be considered a small - much less a micro-entity.

If my interpretation is not correct, then I suggest that the rule make it clear that the institution of higher learning is not automatically considered a microentity.

Thank you....

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