

**From:** Mark Zdeblick [email address redacted]  
**Sent:** Monday, March 17, 2014 2:07 PM  
**To:** Executive Actions  
**Subject:** Comment on proposed rules requiring reporting of ownership of patents

Dear Madam / Sir,

As an inventor (over 100 issued patents and >300 pending patents worldwide) and entrepreneur (3 start-ups since Stanford PhD in Electrical Engineering ), I'd like to personally comment on the US Patent Office's proposed new rules regarding reporting of ownership of patents.

In short, they propose a rule that would require all patent holders to file a document detailing ownership of each issued patent, and a timely update if such ownership changes. Failure to file these forms on a timely basis would lead to the USPTO declaring the patents "abandoned," giving these rules incredible leverage.

This rule is somehow being sold as "leveling the playing field", but as one might imagine, such a rule puts relatively much more stress on a small company (that often can barely afford to file and prosecute patents in the first place) as compared to a large company with a typically large full-time legal staff. Notably, many small companies may not even be aware of these rules, particularly if they filed their own patents or have not been in touch w/ their filing counsel in many years. This is one more rule that would make it more difficult for small companies to develop competitive Intellectual Property - often the foundation on which early stage investments are made.

Today's article ("Critics Blast USPTO...") by Ryan Davis in Law360 summarizes these issues. He notes one practical compromise: to enforce these rules only when the patents are being asserted against a potential infringing party. I might be tempted support this compromise, as once infringement is being asserted, the financial stakes are already high, and some of the benefits (knowing who is financially supporting the assertion) become relevant. However, the author notes that many license agreements (such as between a University and a company) require that the existence and terms of those agreements remain confidential. This rule may force companies to choose between violating a confidentiality agreement and "abandoning" the affected patents.

A rule that so burdens the 98% of all issued patents that will never be litigated should not be issued. Rather, Congress should consider legislation using a balanced, bi-partisan process.

Executive Action rules such as this one gives this "goose-that-may-some-day-lay-a-golden-egg" a feeling that must also be felt by a duck whose liver is being prepared for *foie gras*: STUFFED!

Mark Zdeblick, Ph.D.  
Co-Founder and Chief Technical Officer  
T [telephone number redacted] F [facsimile number redacted]

Proteus Digital Health, Inc.  
2600 Bridge Parkway, Suite 101 Redwood City, CA 94065  
Proteus.com