

Comments for Docket No. PT0-C-2011-0008

From: Aaron Lewis <alewis@naacoalition.org>
Sent: Monday, November 05, 2012 11:56 AM
To: fee.setting
Subject: Comments for Docket No. PT0-C-2011-0008
Attachments: NAAC USPTO Patent Fee Comments 11-5-12.pdf

To Whom It May Concern:

Please find attached comments of the National Asian American Coalition for docket no. PT0-C-2011-0008: "Setting and Adjusting Patent Fees."

Kind regards,

Aaron Lewis

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November 5, 2012

United States Patent and Trademark Office
600 Dulany Street
Alexandria, VA 22314

Subject: Docket No. PTO-C-2011-0008

The National Asian American Coalition (NAAC) appreciates the opportunity to comment on the proposed rule to set and adjust patent fees currently being considered by the U.S. Patent and Trademark Office (USPTO).

The NAAC strongly supports the proposed fee structure. These comments are offered in the spirit of concern for small business, innovation, and entrepreneurial spirit that is shared between the NAAC and the USPTO. Over two million businesses in this country are Asian American-owned, and 98 percent of those are small businesses. The USPTO has taken a great step towards protecting their opportunities as innovators.

Encouraging Small and Micro Entrepreneurs

The NAAC applauds the USPTO for proposing the reduction of “front-end” costs to small and micro entities. While the NAAC realizes that “back-end” costs must be increased to offset this reduction, but the NAAC believes that it is much more important for small businesses and entrepreneurs to be able to get their foot in the door.

We believe that the proposed rule strikes an appropriate balance between initial filing fees and subsequent maintenance fees. This is especially important given the tectonic shift from “first to invent” to “first to file.” This system benefits large corporations with the resources and legal departments to negotiate the patent application process. A smaller entrepreneur or innovator may not have a similar ability. Accordingly, the reduction of front-end costs for small and micro entities will do much to reduce the initial burden of filing, and will protect innovation that occurs outside of corporate labs.

Large Entity Contribution to Outreach

The NAAC recommends that the USPTO divert a small fraction of large entity fees for outreach to small businesses, as defined by the Small Business Administration, and independent inventors. This outreach would help educate small and micro entities as to the options for *pro se* and *pro bono* patent application options, as well as for awareness regarding the USPTO’s own very laudable *pro bono* program. Particular care should be exercised in the course of the education effort to reach communities of color and the underserved through ethnic media and community-based organizations, among other channels.

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Conclusion

With regard to the increase in fees for larger applicants, we commend a well-reasoned rule that allocates costs based on ability to pay. Corporations receive substantial benefit from the patent system, which provides and induces innovation by protecting the fruits of their labor. We believe that the fees they pay be commensurate generally with the profits they reap.

Sincerely,



Faith Bautista
President and CEO
National Asian American Coalition



Mia Martinez
Deputy Director
National Asian American Coalition