

Sent: Tuesday, November 08, 2011 11:15 PM
To: Gongola, Janet
Cc: aia_implementation; IP Policy
Subject: International Patent Protection for Small Businesses

International Patent Protection for Small Businesses

attn. Janet Gongola

1. Overall, how important is international patent protection to small business?

Not important at all to most small business but a start-up small business or SSB necessarily small in its initial stages may well create novel works that command \$Billions on the International market besides North American Market.

2. At what point, if ever, in the growth of small companies does international patent protection become important?

Within a year or two of SSB entry into a given foreign market. Sadly though the decision to go international must happen much, much earlier.

3. What challenges, if any, interfere with the growth and competitiveness of small companies if international patent protection is not sought early in the innovation process?

A loss of revenue or requirement to pay license fees to practice in the given country.

4. What specific role does international patent protection play in the successful internationalization strategies (such as franchising, exporting, or foreign-direct-investment) of small businesses? Does this role differ by industry or sector?

These two questions to be properly answered would each require a treatise not a comment. Perhaps you can ask IBM to opine here?

5. How can the USPTO and other Federal agencies best support small businesses regarding international patents:

(a) In obtaining international patent rights?

Create a World Patent in English.

(b) In maintaining international patent rights?

Tap large companies enjoying licenses and patents that are lucrative by making a very large maintenance fee for the Large Entity and use it to subsidize small and micro-entities until they are able to join the Large Entity club.

(c) In enforcing international patent rights?

Support punitive action by the FTC in blocking infringers at the dock.

6. What role should the Federal Government play in assisting small businesses to defray the costs of filing, maintaining, and enforcing international patent protection?

Low interest loans for small entities and straight grants for Micro-entities.

7. In order to help small businesses pay for the costs of filing, maintaining, and enforcing international patent applications, how effective would it be to establish a revolving fund loan program to make loans to small businesses to defray the costs of such applications, maintenance, and enforcement and related technical assistance?

Devil is in the details give us some details, we are interested.

(a) Under what specific circumstances, if at all, would such a fund be effective at helping small businesses?

Details and terms else this question cannot be answered.

(b) If such a fund would be effective, should the fund be maintained by the Federal Government, and if so, through what mechanism?

IRS make it a credit system.

(c) What criteria should be used to decide upon recipients of funding?

50% matching from small entity. 10% matching from micro-entity. Patents are retained as collateral.

(d) Could the private sector be meaningfully involved in maintaining and implementing such a fund?

No Bankers, no way, no how!

8. In order to help small businesses pay for the costs of filing, maintaining, and enforcing international patent applications, how effective would it be to establish a grant program to defray the costs of filing applications, paying maintenance fees, and conducting enforcement and to provide related technical assistance?

Very effective for any entity with less than 10 million in gross sales.

(a) Under what circumstances, if at all, would such a program be effective at helping small businesses?

SSBs need foreign filings and the USA needs the trade balance very effective indeed.

(b) If such a grant program would be effective, should the program be maintained by the Federal Government, and if so, through what mechanism?

IRS

[[Page 62391]]

What type of grant program, covering what specific costs, would be most effective?

Flat grant for micro-entities, loan guarantee for small entities under 50 million.

(c) What criteria should be used to decide upon recipients of grants?

Utility patents only, and weight to those with commercially successful past inventions.

(d) Could the private sector be meaningfully involved in maintaining and implementing such a program?

Sure use the audit process to measure past success of invention rather than the overall success of a business (a very different matter).

9. If the Federal Government is limited to providing either (i) A revolving fund loan program or (ii) a grant program described above, but not both, which of these options would be more effective in

accomplishing the outcome of helping small businesses pay for the costs of filing, maintaining, and enforcing international patent applications?

All early stage SSBs would be best served by VERY EARLY grants. The leverage with investment is immense.

10. Are there circumstances under which the Federal Government should not consider establishing any of these programs?

No.