

Comments of Nickolaus Leggett to the USPTO

Diversity of Patent Applicants

Comments in response to Docket No. PTO-C-2013-0039 – Request for Comments on Methods for Studying the Diversity of Patent Applicants (Federal Register Vol. 78, No. 231 Monday December 2, 2013)

To: Saurabh Vishnubhakat, Expert Advisor, Office of Chief Economist, USPTO
From: Nickolaus E. Leggett, Independent Analyst and Inventor
Date: January 20, 2014

My comments are directed primarily at Question #2 of the USPTO request: “Should the USPTO conduct surveys of patent applicants to obtain demographic data such as race, gender, age, and geography, of inventors as a group?”

My background:

I am a social scientist and writer with a master’s degree in Political Science from the Johns Hopkins University (1970). I also have invented three inventions which are patented (U.S. Patents 3,280,929, 3,280,930, and 6,771,935).

When I was a graduate student in the late 1960s, I conducted a poll of inventors to determine the background characteristics of inventors. I mailed 2,500 questionnaires to inventors who had been granted U.S. patents. The postal addresses of these inventors were obtained at random from the Official Gazette of the USPTO listing of inventions available for license or sale.

I was especially interested in the inventors’ productivity of patented inventions. The respondents who identified themselves as independent inventors had an average of approximately 2.5 patents each. The respondents who identified themselves as employee inventors had about 6 patents each. One respondent had over 100 patented inventions. At that time, only a very small percentage of inventors were women.

I also asked questions that the USPTO does not want to ask, such as the political party of the respondents and the liberal/conservative preferences of the respondents.

This particular data is rather old now, but it points out the useful information that can be obtained from a survey of inventors.

My response to your questions:

Yes, the USPTO should survey applicants and/or inventors for demographic data such as race, gender, age, and geography. At the same time, the USPTO should also ask about the production of applications and patents by each respondent.

Surveys are a recognized and reliable method for collecting rigorous social data. There are a large number of credentialed survey experts and surveying firms available to assist the USPTO in developing a rigorous survey. It is recognized in the surveying field that a large sample size contributes strongly to reliable results. Also, the structure of the questions contributes to the reliability of the study.

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The USPTO should poll both patent applicants and people who have been granted patents. This would allow the USPTO to study any differences between the attributes of the applicants as a whole compared to the attributes of the inventors who were granted patents. It may be that fewer minorities survive the process of moving from patent application to patent grant. If this is so, then the USPTO needs to know why it is occurring.

The USPTO should repeat the survey every five years to see if any changes are occurring in the demographic data and the other responses to the surveys. This would allow any progress or decline to be reliably documented.

Preferably, the survey should include patent and application production data in addition to demographic data. In addition, if specific patent classification data is collected variations between technical fields could be studied in detail.

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Appendix A – My Patents and Document References

Some of my document references are listed below:

United States Patent 6,771,935, Wireless Bus August 3, 2004
United States Patent 3,280,929 Ground-Effect Machine October 25, 1966
United States Patent 3,280,930 Ground-Effect Vehicle October 25, 1966

“Demonstration and Development of Amateur Radio Applications of Natural Vacuum Electronics”; Nikolaus E. Leggett, N3NL - 22nd AMSAT Space Symposium and Annual Meeting October 8-10, 2004 in Arlington, Virginia

“A ‘Lighthouse’ Protocol for Random Microwave Contacts”, Nikolaus E. Leggett, N3NL, QEX The Experimenter’s Exchange – Technical Notes July/August 2004 – American Radio Relay League, Newington, CT.

Note: All of my information and comments may be published by the USPTO.