

H.R. 6758- Success Act

Public Comment by Martin Khang Nguyen

My name is Martin K. Nguyen and I'm an American independent or "small" inventor of two US granted patents: 1- Vehicle monitoring and control using radio frequency identification (RFID), 2- Managing Retail Transactions, and several other patent applications that I have abandoned because I see no hope of protection. I'm now a founder of a small business based on a mobile app called Gyft Thanks. The app helps connect businesses, consumers, and charities together using today's technologies. As a minority patent holder, the **Success Act** is very important to me and to other minority inventors as well.

I strongly support increasing the number of women, minorities, and veterans who hold patents. The US is the only country in the world, no other country that has the patent system that gives a great opportunity for anyone who would like to pursue his or her interests in business. However, the recommended legislation has to help protect those inventors as well. If a product is successful, large companies come in and steal the idea and force the patent owner to start a lawsuit that they rarely can afford. Then, even if the inventor can pay the enormous legal fees, if the infringer chooses to take the patent to the PTAB, the inventor has almost no chance of surviving.

I came to the United States as an immigrant in late 1981. I have attended college here in the US, and I love solving problems, especially when those problems happen to me or around me. As an example, I've been hit by a drunk driver when he ran on red. Luckily, my life was saved, but I know that many similar situations end in tragedy. After my experience, I spent substantial time and effort creating a solution and finally filed for a patent on my idea, "Vehicle monitoring and control using RFID". On another occasion, I was shopping at a supermarket and there was a shopper holding up the line ahead of me with many paper coupons. The barcode was hard to read on one of the coupons, so the line behind the shopper became very, very long. "There has to be a better way," I said to myself. I created a solution, did the search, and filed the paperless couponing systems.

As mentioned above, some of the applications and ideas I dropped or abandoned most at the early stage because, as an independent inventor, I saw very little hope in protecting these ideas from businesses and/or people who have big money if these applications eventually got granted. Why would I continue to spend the money which, in my case, I borrow from family to get these patent applications approved when they'd later be invalidated by the PTAB? How would I be able to defend my ideas from a group of attorneys hired by large corporations with their only goal to invalidate my patents? It is better for me to keep my ideas locked away. I know that I cannot enforce my patent in court, and if it is a very useful idea, many big companies will steal my patented idea, and the patent will just be taken away by the PTAB. The same entity that promised to protect my idea is the one taking it away. It doesn't make sense. America is falling behind in development because there is no incentive to innovate.

However, as an inventor like many other inventors whom I've talked to, we'd always like to see innovative products or services being introduced. We hope that soon our patents be protected and be enforced no matter we are a big company or a start-up business formed by an independent inventor.

Please give us the protections for our efforts; ask the courts not to take back our patents once they are issued; help us to prohibit infringers, both US and foreign companies, from using US inventions without permission. We count on you for the true reward after days, months, or years of our hardworking, sleepless nights trying to first get our patent or patents approved, plus the money that we have invested. If the recommended legislation does not come with added protection for inventors, then you will end up ruining the lives of all the new women, minorities, and veterans who get patents. They will build businesses on the promise of exclusive right, then all their investment will be lost when they learn how the patent system really works. We inventors want to contribute to the US economy with our talents and skills in developing innovative products or services, but we need to be able to depend on the patent system.

Sincerely,

Martin Khang Nguyen