



June 30, 2019

RE: Docket No.: PTO-C-2019-0010 in 84 FR 17809-10

Via email: [successact@uspto.gov](mailto:successact@uspto.gov)

**Wisconsin Alumni Research Foundation Response to Request for Comments  
On the Report Required by the SUCCESS Act of 2018**

Three weeks ago, on June 10, 2019, Wisconsin celebrated the 100<sup>th</sup> anniversary of becoming the first state to ratify the 19<sup>th</sup> amendment, which when it became law extended the right to vote to women. This past May, the University of Wisconsin-Madison celebrated another milestone with the 150<sup>th</sup> anniversary of the first bachelor's degrees awarded to women. Those 1869 achievements paved the way for more than a century of further success by women in our state, not only at our flagship university but at the Wisconsin State Teachers Colleges that later evolved into the University of Wisconsin-Milwaukee and seven of the eleven comprehensive universities now part of the University of Wisconsin System. Beyond teaching and learning, Wisconsin's women have long contributed to research at both public and private research institutions across the state. Our oldest medical school, known today as the Medical College of Wisconsin, graduated three women in its first graduating class in 1913. Before and since, women have made foundational contributions to the state's strengths in life sciences, social sciences, and engineering.

All the while, Wisconsin has been a state whose innovation was built and driven by a diverse mixture of ethnicities, from the indigenous peoples who first inhabited the land, and still live here today, to the European, African-American, and Latinx migrants who came later, and the immigrants from Asia, Africa, Latin America, and elsewhere who still come to Wisconsin seeking opportunity today. As the technology transfer offices of our state, we have worked to patent, develop, and commercialize the ingenuity of each of the aforementioned groups. We are proud to call many of them our colleagues, collaborators, partners, and friends, and we join together to commend the Congress for seeking to improve their representation in the U.S. patenting system.

We open our letter with the achievements of underrepresented classes in Wisconsin in part to acknowledge their contributions to technology transfer but also to demonstrate that members of these identified groups have always been talented, capable, and brilliant in every field. Their underrepresentation has been no fault of their own but a failure of our institutions, politics, and culture in not providing them with the same opportunities to succeed and in insufficiently realizing the potential of their inventiveness.



Better reporting on underrepresentation in entrepreneurship and patenting is a crucial step for understanding how the government, the academy, and industry can all do better to recognize and reward the full spectrum of genius to be found in inventors across every background and to capitalize on the social and economic benefits that unleashing their innovation will provide. Unconscious bias takes many forms in the workplace impacting hiring, promotion, and recognition of the work of underrepresented individuals.

Answers to questions listed in the Request for Comments:

1. Our organizations have made some initial efforts to gather data on the disclosures, applications, and patents of women, although rigorous conclusions can be difficult due to the limited methods available (such as identifying gender based on name). Tracking similar information based on minority or veteran status poses even greater difficulties for similar reasons. AUTM, a global nonprofit whose members work to advance ideas from research institutions into the marketplace, has been encouraging technology transfer offices to collect and report this data for the past three years, and we encourage the government to work with them to compile accurate and robust data. In terms of existing, published information, we recommend the 2018 issue of the journal *Technology & Innovation*, entitled “The Invention Gender Gap” (volume 19, number 4). We have also learned a great deal from the reports produced by the Institute for Women’s Policy Research (IWPR), the World Intellectual Property Organization (WIPO), and by the United States Patent and Trademark Office (USPTO) itself.
2. The organizations mentioned above have also gathered, or begun to gather, similar statistics specific to inventors, entrepreneurs, and start-up CEOs, which will be helpful for examining disparities relative to the effects on small businesses.
3. Innovation, by its very nature, requires fresh ideas and a new outlook. Increasing the representation of women, minorities, and veterans can only add to the vibrancy of approaches that can drive new innovation. Technology transfer office like ours have firsthand knowledge of the importance of patent protections for ensuring the commercialization of scientific discoveries. Those protections are all the more important for first-time inventors or those who, for any reason, face challenges in attracting the resources necessary to commercialize an invention, because a patent can provide certainty, confidence, and added time to the development process. Patents will therefore boost the ability of underrepresented classes chasing economic, social, and scientific success.
4. See above.
5. Yes, the USPTO should collect demographic data on inventors at the time of application. The collection should be done on a voluntary basis and should be kept separate from the application itself to guard against any possibility of bias during the examination process. The more we know about the patent system the better, and more knowledge leads to better decisions and a better



ability to improve the process. So long as adequate protections are instituted to prevent bias, other abuses of the data, or violations of privacy, then transparency can only advance innovation.

6. Inventions arise in many different circumstances, and filing for a patent is most often a supplementary task to an inventor's main line of work. Their job is most often to research, not specifically to invent or to file for a patent. For that reason, the recognition of an invention and the subsequent years of work to protect it can seem daunting from both a time and knowledge perspective. Most inventors need assistance navigating the process of patenting. We have found that women and minorities especially face this challenge for a variety of sociocultural reasons. For example, because they are underrepresented, members of these groups are frequently tasked with serving on committees and fulfilling other ancillary professional roles at a rate far higher than others. These duties can leave them stretched thin even as it indicates high rates of social responsibility and high achieving status. Additionally, because these populations are currently underrepresented, peers and available role models from their same underrepresented group tend to be limited.
7. As mentioned above, underrepresentation in and of itself can reduce the margin for error within the patenting process. Women and minorities may be less likely to self-identify as inventors, may have less time to invest in the patenting, and because of those factors are less likely to be exposed to some of the intangible encouragement and reinforcement that can drive an inventor to patent. Underrepresented groups often are more accepting of authority, which may be why studies have shown that patent applications filed by women are more likely to be abandoned after an initial rejection.
8. We refer back to the organizations mentioned above who have done valuable work collecting data and studying disparities in the patenting system. As these efforts grow and are supplemented by the SUCCESS Act study, the results will bring awareness to the contributions made by underrepresented classes and draw broader awareness to how bias can negatively affect patenting, licensing, and the development of entrepreneurs.
9. First and foremost, by collecting data and studying the problem in a robust fashion the government can draw awareness to underrepresentation and signal a commitment to addressing it. The government must also recognize that the imbalance in patenting did not arise in isolation. While underrepresentation in this particular area has unique causes and poses some peculiar problems, we must also recognize that women, minorities, and veterans face similar challenges in other professional endeavors as well. As technology transfer office that support research institutes, we particularly recommend additional government investment to improve data collection on measures of professional advancement and careers success for women, minorities and veterans.
10. Once again, by beginning to collect more robust demographic data (not just on underrepresented groups but on all patents and inventors), the USPTO will signal its awareness of the problem and increase understanding both within its offices and among the broader public. We would also recommend targeted efforts to reach out to underrepresented groups, listen to their needs, and



design programs that can address their concerns and reduce the barriers they face in their efforts to become patent-holding inventors.

11. In addition to AUTM and the IWPR (see our answer to question 1), we would like to specifically highlight AUTM's Women Inventor's Toolkit, the STEM to Market program from the Association of Women in Science, the toolkit for companies to encourage patenting by women developed by the Intellectual Property Owners Association Women in IP committee, and the studies on women in patenting conducted by WIPO. Their work on the underrepresentation of women will continued to be valuable, but their efforts can also inform similar initiatives to address the needs of minorities and veterans.

Sincerely,



UW-Milwaukee Research Foundation  
Milwaukee, WI



Blood Research Institute  
Versiti, Inc.  
Milwaukee, WI



Wisconsin Alumni Research Foundation  
Madison, WI



WiSys Technology Foundation  
Madison, WI



UWM Research Foundation, Inc.  
1440 East North Avenue  
Milwaukee, WI 53202



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Via email: [successact@uspto.gov](mailto:successact@uspto.gov)

The UWM Research Foundation (UWMRF) appreciates the opportunity to respond to the United States Patent and Trademark Office's Request for Comments on the SUCCESS Act of 2018.

UWMRF enthusiastically supports the comments prepared on our behalf in collaboration with our Wisconsin technology transfer partners at the Versiti Blood Research Institute, the Wisconsin Alumni Research Foundation, and the WiSys Technology Foundation.

#### **About UWM Research Foundation**

The UWM Research Foundation was launched in 2006 to complement the UWM Foundation, Inc., and support research and innovation at UW-Milwaukee. The UWM Research Foundation works to develop strategic partnerships with companies in the Milwaukee region and beyond by helping provide companies with a pipeline of talent, access to technology developed at UWM, and collaborative relationships with UWM researchers in basic and applied research.

In 2016, UWM was designated as an R-1 research intensive university by the Carnegie Classification System of Higher Education placing UWM among 115 top-tier research institutions in the nation out of more than 4,600 institutions. The UWMRF continues to help create an environment that attracts, retains, and supports innovative researchers who contribute to this important distinction by building and delivering programs that transform research and innovation at the UWM – including the Catalyst Grant Program and an array of entrepreneurship and innovation programs.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Thompson".

Brian Thompson  
President

A handwritten signature in black ink, appearing to read "Jessica Silvaggi".

Jessica Silvaggi, Ph.D., C.L.P.  
Director of Technology Commercialization

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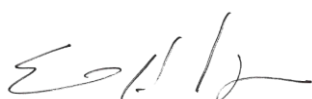
The Wisconsin Alumni Research Foundation ("WARF") appreciates the opportunity to respond to the United States Patent and Trademark Office's Request for Comments on the SUCCESS Act of 2018.

WARF enthusiastically supports the comments prepared on our behalf in collaboration with our Wisconsin technology transfer partners at the UWM Research foundation, the Versiti Blood Research Institute, and the WiSys Technology Foundation.

### **About WARF**

A nonprofit foundation incorporated in 1925, WARF has a founding purpose "to promote, encourage, and aid scientific investigation and research at and within the University of Wisconsin-Madison." In pursuit of that mission we have built an investment portfolio valued at \$2.8 billion as of 2018, which over ninety-three years has funded more than \$2.6 billion in research grants to UW-Madison when adjusted for inflation. WARF also serves as the designated technology transfer office for UW-Madison, and in that capacity we have acquired more than 3,000 patents, including 1,900 active patents and an additional 400 invention disclosures and 55 revenue-generating licenses each year. All of WARF's efforts are devoted to furthering the historic outreach mission of our state university known as the "Wisconsin Idea."

Sincerely,



Erik Iverson  
Managing Director



Michael Falk  
General Counsel



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WiSys enthusiastically supports the comments prepared on our behalf in collaboration with our Wisconsin technology transfer partners at the UWM Research Foundation, the Versiti Blood Research Institute, and the Wisconsin Alumni Research Foundation.

**Background about WiSys**

WiSys was established in 2000 and is an independent, nonprofit supporting organization for the UW System. As the official designated technology transfer office for the UW System Comprehensive Campuses, WiSys advances scientific research throughout the state by patenting technologies developed out of the universities and licensing these inventions to companies capable of developing them to benefit Wisconsin and beyond. The strong partnership between WiSys and the UW System helps the UW campuses fulfill their roles as twenty-first century leaders in research, discovery and innovation.

Sincerely,

A handwritten signature in black ink, appearing to be "Arjun Sanga", written over a light blue horizontal line.

Arjun Sanga

President