

My name is Bob Zeidman. I am an inventor, author, and entrepreneur.

The USPTO's goal to increase the number of women, minorities, and veterans who attain patents is a noble one. More important is the goal to give them opportunities for success through the creation of independent businesses, and that can be achieved by eliminating the impediments to enforcing patents and restoring the penalties to patent infringers that have been lessened in the past decade by legislation (the America Invents Act) and by the courts (e.g., *Alice Corp. v. CLS Bank International*).

The answer to question 4 is that the social and private benefits gained by obtaining patents should be obvious in the economic empowerment that patents have given historically. The U.S. patent system has been a great equalizer, even when the other laws and customs of our country have been discriminatory. Women and African Americans, for example, have utilized the patent system to commercialize their inventions and create wealth when our society otherwise would not allow it. Mary Dixon Kies obtained a hat weaving patent in 1809, long before women had the right to vote or even the ability to own property. Ms. Kies and her patent helped fuel the growing American hat industry at that time. And when African Americans were slaves with few rights whatsoever, Thomas L. Jennings patented the dry-cleaning method in 1821. He leveraged his patent to grow his tailoring business and used the profits from that business to support the abolitionist movement, defend civil rights organizations, fight racial segregation in the courts, and purchase his wife and children out of slavery.

These days, however, the risks and costs taken on by a patent holder can outweigh the advantages. With extremely high PTAB invalidation rates, patents offer little protection to the inventor, and potential investors in these inventors are unwilling to take on the risk. I know this firsthand. The "exclusive right" promised by a patent is now nearly unenforceable. The tool that most empowered the individual inventor since the original Patent Act of 1790, the injunction, has been revoked by the decision in *eBay Inc. v. MercExchange, LLC*. The exclusive ability to control the invention must be returned to the inventor, to empower all inventors, but particularly those who otherwise may be at a disadvantage, such as women, minorities, and veterans.

Many independent inventors, particularly those from underrepresented classes, are unable to pay to defend a patent in an IPR, which has been estimated by the American Intellectual Property Law Association (AIPLA) at \$450,000. Patents only have value if they are a dependable right without the risk of being so easily revoked. The USPTO must stop taking patents back from inventors, and the penalties for infringement, particularly willful infringement, must be restored.

Success for independent inventors is much too rare in the current system. The goal of the SUCCESS Act must be to restore inventors' rights and reduce their risks as was the intent of our Founding Fathers. Such legislation will help women, minorities, veterans, and all inventors upon which our country depends to maintain its economic advantage in the modern world.

Sincerely,

A handwritten signature in black ink that reads "Bob Zeidman". The signature is written in a cursive, flowing style.

Bob Zeidman