

**PUBLIC COMMENT SUBMISSION IN RESPONSE TO FEDERAL REGISTER
NOTICE PTO-C-2011-0066 ON THE LOCATION OF ADDITIONAL SATELLITE
OFFICES FOR THE UNITED STATES PATENT & TRADEMARK OFFICE (USPTO)**

The undersigned comprise a group of institutions of higher learning, affiliated research institutes, patent practitioners, business community leaders and interested members of the public. We urge the USPTO to consider locating one of its planned satellite offices in New England, and specifically southern New Hampshire.

New Hampshire is an excellent location to host a new USPTO office. Our proximity to Boston, with available public transit, and the surrounding technical, academic and business communities coupled with the state's lower cost of living, high quality of life, and family-friendly towns makes it a very strong candidate. Though the US Census considers much of southern New Hampshire part of the Boston Metropolitan Area, a location in New Hampshire would indicate that the United States Government is committed to job creation, investment and opportunities in locations outside the most populous cities. We believe that the following factors and reasons make New Hampshire a suitable location for a USPTO satellite office:

1. The presence of a leading research university

The *University of New Hampshire* (UNH)¹ is one of 30 land, sea and space grant universities in the nation, and is considered a Carnegie High Research institution with 2011 research awards of approximately \$160MM. Besides its main campus in Durham, the University maintains locations in Manchester and the state capital of Concord. Amongst its undergraduate and graduate schools, the College of Engineering & Physical Sciences and the Whittemore School of Business & Economics (WSBE) are nationally-recognized schools with world-class faculty and researchers who have received numerous awards and grants (including a project out of WSBE funded by the USPTO), with a large number of Fulbright awardees. Total student enrollment in the University exceeds 14,000, with the largest number from New Hampshire and Massachusetts, and a growing international student population. These students represent an educated technical base capable of providing a growing workforce for the satellite office. In addition, the University's Master Plan is currently under review to consider near term growth; this represents a unique opportunity to consider locating this satellite office directly on a university campus.

2. The presence of a globally-recognized law school specializing in intellectual property

The *University of New Hampshire School of Law* (formerly the Franklin Pierce Law Center, prior to its affiliation with UNH in August 2010)² has a national and international

¹ See <http://www.unh.edu/>.

² See <http://law.unh.edu>.

reputation for pioneering intellectual property programming and education. UNH School of Law is currently ranked 4th in the specialty intellectual property law school rankings in the U.S. News & World Report. The school launched the nation's first-ever Patent Prosecution Program as an integral part of its intellectual property curriculum, runs a unique IP Amicus Clinic as well as a successful IP Transactional Clinic, and continually attracts a disproportionately high number of STEM graduate students, patent examiners, patent agents and other students seeking a career in intellectual property. It has alumni in over 80 countries, many of whom graduated with Masters' degrees specializing in intellectual property and who currently are patent practitioners, judges and officials at national patent offices in their home countries, including China, Japan and Korea.

About a third of the students who enroll for the Juris Doctor degree at UNH Law are either patent bar-eligible or have a STEM background. Many hold Ph.D.s in the scientific and technical fields, some are patent agents and a number have either been, or continue to work part-time as, USPTO examiners. UNH Law alumni include senior partners at boutique law firms specializing in intellectual property, intellectual property practice group chairs and in-house patent and trademark counsel at major multi-national corporations. The school has an extremely high number of students actively involved in intellectual property events and activities, largely through the five student intellectual property groups at the school (including the Patent Law Forum and the UNH Law student chapter of the Licensing Executives Society³), but also within the student divisions of national organizations such as the American Bar Association (ABA) and the American Intellectual Property Law Association (AIPLA).

In addition, UNH Law has just established the *Franklin Pierce Center for Intellectual Property*, a 12,000 square foot instructional and conference facility. The Center coordinates the activities of the school's various intellectual property programs, including the only International Technology Transfer Institute housed in a law school, and that works on capacity-building projects involving patent landscaping analysis with developing country governments. The well-known IP Mall, a comprehensive online research resource for intellectual property professionals, is also hosted by the Center. The Center features conferences that cater to practitioners and academics, and in 2012 it will launch the Robert Shaw International IP Symposium, which will bring patent practitioners, academics and government officials from Europe and Asia (including various national patent offices) to Concord, NH.

UNH Law also represents a targeted and trained workforce for the USPTO satellite office. Since the majority of its students are choosing intellectual property as their field of study as taught by international experts in the field, the graduates are highly likely to consider a career in the USPTO and made even more likely by having this satellite office proximal. Additionally the USPTO will have access to graduate and law students whose backgrounds and knowledge can support Office activities.

³ The other student groups active in intellectual property are the Student Intellectual Property Law Association, the International Intellectual Property Organization and the Entertainment Law Society.

3. The quality of life, lower cost of living and other attractions in a New Hampshire location

After ensuring that a talented workforce exists, every business, public or private, considers the location of its enterprise as integral to its success. New Hampshire is an excellent location for businesses of all types. It ranks first in the country for the lowest personal tax burden⁴ and in 2010 the average home cost was over \$200,000 cheaper than in neighboring Massachusetts⁵. New Hampshire residents have the fifth highest percentage of 4-year degrees or beyond (35.9%). In addition, New Hampshire places first in the nation in the “Living Index”—a score that represents the average of the national rankings in eight key indicators for quality of life⁶.

Measurement	National Rank
High school graduation rate	3
Family well-being	2
Tax Climate	8
Healthiest state	2
Most livable	1
Per capita income	8
Safest state	1
Poverty rate	1

New Hampshire’s Living Index of 3.25 is over *three times* higher than the next closest state (Minnesota’s score is 10.25). Though this list is by no means definitive, it is clear that life in New Hampshire has many advantages for its residents and the state an attractive location for any business. In addition, its proximity to the greater Boston area means accessibility to the employees and opportunities of that region as well at lower cost. New Hampshire is an affordable choice for patent examiners even in an entry-level position.

New Hampshire is easily accessible from many other parts of the country and overseas. The Manchester-Boston Regional Airport is less than fifty miles from Boston, and is served by the major airlines. There are several non-stop flights daily to Washington DC and Baltimore, and excellent ground connections to the rest of New England. Additionally, Boston’s Logan Airport is under an hour’s drive from most of southern New Hampshire, with ground connections available between the two airports as well as directly to Manchester, Concord, Portsmouth, and

⁴ Federation of Tax Administrators.

⁵ <http://www.trulia.com>.

⁶ <http://stayworkplay.org/stay/nh-living-index-and-quality-life>.

Durham. In addition, UNH is one of only twelve universities in the nation with an Amtrak station on campus, providing direct train service to Boston six times each day with a transit time of about one hour.

4. The number of patent practitioners, technology companies and other businesses, and inventors in New Hampshire

Currently, there are 151 registered patent attorneys and patent agents in New Hampshire, including a large proportion of patent prosecution specialists.⁷ The Boston-Cambridge-Quincy, MA-NH metropolitan area also ranks among the highest in utility patent grants with New Hampshire ranking among the highest in patents per capita.⁸ Overall, there are 2,949 registered patent practitioners with an address in the New England region.

The New Hampshire business and technology community is large and diverse, spanning small entrepreneurial technology-based businesses and individual inventors as well as nationally known brands and enterprises in industries ranging from software and medical devices to precision manufacturing and apparel. This community is extremely supportive of new business ideas and members, as shown by the growth and activities of a number of private-public partnerships and industry associations, for example:

- The *New Hampshire High Technology Council* (NHHTC)⁹ was formed in 1983 by a group of small high technology companies, business development specialists, government officials and educators to “bring together representatives from the private and public sectors to establish and maintain financial, technical, management, legislative and educational support programs that encourage innovative research and technology-based industrial development in New Hampshire.” Its programs include annual scholarships to students at New Hampshire schools majoring in science, engineering or technology, forums and events aimed at fostering investment in and development of innovation in the state, annual awards for innovative products and entrepreneurs, and a regular Intellectual Property Forum hosted by the state’s largest law firm, Devine Millimet, which aims to educate and disseminate information about patent drafting and commercialization strategies and other programs on intellectual property issues facing the business and technical community.

- The *abi Innovation Hub*, the *Idea Greenhouse* and the *New Hampshire Innovation Commercialization Center*¹⁰ are non-profit organizations that mentor and foster the growth of technology start-ups and other innovation-based companies. In partnership with established technology companies, universities, and law firms, these organizations provide office space,

⁷ See USPTO database of registered patent attorneys/agents at <https://oedci.uspto.gov/OEDCI/>.

⁸ See USPTO statistics at http://www.uspto.gov/web/offices/ac/ido/oeip/taf/cls_cbsa/allcbsa_gd.htm and http://www.uspto.gov/web/offices/ac/ido/oeip/taf/cst_all.htm.

⁹ See the NHHTC website at <https://nhhtc.org/>.

¹⁰ <http://abihub.org/>, <http://www.ideagreenhouse.biz>, <http://www.nh-icc.org>.

programs and other services to NH-based companies improving our ability to create new intellectual asset focused enterprises.

- The University of New Hampshire (UNH) has a number of institutes, initiatives and staff focused on innovation research, including the *Office for Research Partnerships & Commercialization* (ORPC)¹¹ that develops and manages the University's intellectual property portfolio. Besides assisting University faculty and staff to seek intellectual property protection for their inventions, creations and designs, ORPC actively builds partnerships with industry and sponsors programs that result in the commercialization of intellectual property and business development in the state. ORPC has taken a lead role in promoting an IP-based culture in New Hampshire and coordinates the state's *Innovation Research Center*¹² (NHIRC), established by the legislature in 1991, providing a mechanism to connect New Hampshire-based businesses with UNH research and researchers, so as to provide businesses with a competitive edge in the marketplace. The goal of the NHIRC has always been to promote new technology and IP-based businesses, and has successfully helped the state create over 600 jobs based in part on intellectual assets.

SUMMARY

Southern New Hampshire is an optimal location for the USPTO satellite office. The presence of vibrant, supportive and increasingly technical and legal professional communities enhanced by a top-tier research university with a commitment to seeking intellectual property protection for it and for the state's innovators, will greatly facilitate the USPTO's outreach efforts. A skilled workforce and excellent quality of life will attract and retain qualified and experienced examiners and employees in an environment that is both affordable and engaging. The presence of a nationally-known law school focused on intellectual property, and the resulting number of past examiners, patent agents and other students with advanced degrees in engineering, computer science, biotechnology and other fields, represent a natural source for future employees of the USPTO as well. Finally, the proximity to Boston and easy access to Washington DC make interacting with the USPTO headquarters simple and straightforward. New Hampshire represents the best combination of location, trained workforce, and quality of life in the United States and would make an excellent choice. We hope you agree.

Respectfully submitted•:

- Kevin Carroll (Grossman Tucker Perreault & Pflieger)*
- Matthew Cookson (Executive Director, New Hampshire High Technology Council)

¹¹ The Office's mission and activities can be viewed at <http://www.unh.edu/research/support-units/research-partnerships-commercialization>.

¹² More information can be found at <http://www.nhirc.unh.edu/>.

* *Individuals identified by this symbol are signing on in their personal capacities.*

- Jamie Coughlin (CEO), Michele Peterson (COO) & Kyle York (Board member), for the abi Innovation Hub
- Daniels Patent Law PLLC
- Scott Daniels (Intellectual Property Section Chair, New Hampshire Bar Association)*
- Mark Galvin (Managing Director, New Hampshire Innovation Commercialization Center)
- Andrea Hirst (Brookstone, Inc.)*
- Jan Nisbet (Senior Vice Provost for Research, University of New Hampshire)
- Paul Remus (Devine Millimet)*
- Marc Sedam (Executive Director, Office of Research Partnerships & Commercialization and New Hampshire Innovation Research Center, University of New Hampshire)
- Nikolas Uhlir (Grossman Tucker Perreault & Pflieger)*
- Mary Wong (Professor of Law & Director, Franklin Pierce Center for Intellectual Property at the University of New Hampshire School of Law)
- The intellectual property faculty at the University of New Hampshire School of Law