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Sent: Saturday, September 10, 2011 2:50 AM
To: aia_implementation
Cc: [e-mail address redacted]
Subject: to the attention of Hiram Bernstein, Senior Legal Advisor, Office of Patent Legal Administration. RE "Patents" unpatented unfiled prior inventions predating first to file implementation

If my original date of invention of my unpatented, unfiled invention predates a new first to file patent application and that new person's date of invention is filed after this new bill who will receive the patent protection?

Also regarding fees: Will the patent office be offering a patent fee free period for a year or more to enable all the small inventors to implement their first to file rights without being prevented from doing so because of fees?

This will be necessary to clear the back log of tens of thousands of unfiled inventions owned by thousands small inventors dependent on the first to invent clause to hold their rightful place while they try to figure out how to raise \$6000 or more per application.

My surveys of national inventions clubs have shown each inventor has many patent applications lying unfiled because of the enormous fees required by the USPTO to file a patent. (no the \$200 pre file choice doesn't matter because no one will file without knowing they will have the \$6000 within the year or lose their rights.)

Eliminating the upfront costs to file a patent completely will inspire a flood of new patent filings of technology that is currently being held off patent until small inventors can raise capital to get patent protection.

Fees should only be charged if the patent is granted and the patent holder wishes to continue his protection beyond the first time period during which he will be able to market his product and see if it is successful or not.

Eliminating all upfront patent fees and relying solely on post patent grant extension fees will lower restrictions to innovation, American patents and new jobs created.

Quite frankly if the USPTO goes to a first to file system and does NOT drop upfront patent fees which roadblock the small inventor, I will do all in my power to file all my patents at a foreign country with lower or non existent upfront patent filing fees including selling ideas to a foreign entity so I can retain at least some of the fruits of my work.

Thousands of other small inventors will do the same.

Furthermore the congress should bring back the old requirement that a patent holder needs to IMPLEMENT his technology in the market or he loses his patent which would stop patents from being used to BLOCK new technologies that are destructive to existing business monopolies. (no more Chevron buying Cobysis nickel metal hydride electric car batteries and disallowing any large scale nickel metal hydride batteries suitable for electric car use.)

I look forward to your answers.
Best Regards,
George Watson
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