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From: Ray Francis

Sent: Friday, April 28, 2006 11:28 AM

To: DDP.Comments

Cc: Ray Francis

Subject: Strong support for DDP

As an independent inventor and business historian (McGraw-Hill has just published my "This Day In Business History", and in 1997 Plenum published my "The Illustrated Almanac of Science, Technology, and Invention."), I wish to voice strong opposition to the ending of the DDP program. Why?

(1) For the small inventor, having an invention "registered with the Patent Office" can be a strong statement to potential investors that the inventor knows his way around the system (at least to some extent), and that the inventions offered for investment have at least some rock-solid protection behind them. In recently talking and writing to people about some golfing inventions I am currently pursuing, it felt good, and was impressive, to be able to claim they are registered with the PTO. Without that, what guarantee/statement of protection can we offer on inventions that we have not been able to apply for patents on yet (for reasons such as cost and/or inability to develop them further)? The usual answer is well-witnessed lab notebooks, but.....

(2) It is much more difficult for independent inventors than it is for industrial scientists to have their lab notebooks witnessed. In the latter case, there are ready colleagues all around (part of whose job it is to serve as witnesses), while with independent inventors there usually is no one working with the inventor, and it could be a hassle and an imposition to continually ask one's friends and relatives to witness notebooks. It is not uncommon for me to fill a dozen notebook pages in a day. Am I supposed to repeatedly ask an hour of an acquaintance at the end of the end of long day to read over my work? Or at the end of a month's work, am I supposed to ask someone, "Here, will you please sit down and go through these 100 pages?" When convenient, I do ask for witnessing, but there are far more unwitnessed pages in my notebooks than there are witnessed. At least with the DDP, I am assured of inexpensive protection to the key aspects of important work.

(3) On a statistical basis, small entities cannot win in court against big business. I am just pulling this assertion out of the air at this point, but in fact and in the minds of small inventors, I am sure it is the truth. At least the DDP offers a solid weapon for the small inventor in the possibility of a court fight.

(4) Big business, big labs, can file provisional patent applications at the drop of a hat. This can serve as their DDP. A PPA is a much bigger deal (in terms of time, effort, and money) for many financially-strapped independent inventors. I would not have gone through such an ordeal for my three golfing inventions with the PPA (the price, for a start, is prohibitive, especially after paying for prototyping materials), but the DDP seemed like a real opportunity.

I am deeply suspicious and fearful of the real reasons behind the move to remove the DDP program. I fear that it is big business trying to assert their dominance over the new product process to an even greater extent. One of the main reasons given for doing away with the DDP is that many "small inventors have not benefitted". How did this factor come to light and who is pushing it forward? I can't imagine a single small inventor having complained about the program on this basis. ("I am not using the DDP. Please do away with it." A statement like this from a small inventor sounds an absurd probability). How many small inventors have benefitted? I, for one.

The other objection to the DDP involves some inventors not understanding the program, and somehow hurting themselves through their ignorance. Are there any statistics and case histories

on this? I would be surprised if there was more than a handful of cases, a tiny percent, especially in light of the effort that the PTO has made to inform people of the details of the DDP. All the guides for inventors are explicit on this also, I am sure. "Patent It Yourself" (the bible of such books) is certainly clear.

If you really want to do some good, and if expense is an issue, make the DDP available to small inventors only.

I have one final thought, and that is on the move to make "first to file" the new means for awarding precedence in patent cases. I may be mistaken about this move, but it seems to me that it too gives more power to big business against the small inventors. It seems suspicious that both of these moves come at the same time, suggesting it is orchestrated by large commercial interests. I hope that a clear investigation is done on the impetus origins for both these moves.

Thank you, and thank the American patent system, for listening to all sides of this important issue. I would be grateful if you could forward this email to colleagues who may be involved in the "first to file" issue.

Sincerely,

Ray Francis, Ph.D.