The America Invents Act Will Not Encourage Innovation or Job Creation

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Recently American Innovators for Patent Reform (AIPR) joined eight other national organizations in a letter sent to the House of Representatives and House Judiciary Committee Staff that details objections to the House's version of Senate bill S. 23, the America Invents Act, H.R. 1249. The letter explains why this proposed legislation will increase the cost of securing a patent, reduce access to the patent system for inventors and small businesses, increase the current 700,000 patent application backlog at the Patent Office, and decrease the ability of patent holders with limited resources to enforce their patents.

The organizations object to a weakening of the grace period as proposed by the Senate bill and the House's version of the bill. As stated in the letter, a weakening of the grace period granted to inventors under current law – during which they can refine and improve their inventions, build working prototypes, or secure financing or manufacturing for their inventions – would put inventors and small businesses at a distinct disadvantage as they might not be prepared to bear the costs of filing a patent application while large corporations can file their patent applications sooner and more frequently.

The letter recognizes that some of its signatories are opposed to the establishment of a post-grant review provision that creates yet a third process by which the infringer of a patent can challenge the validity of a patent and force patent owners to abandon their patents rather than enforce them.

The letter strongly recommends that congress take a more targeted approach and shift its attention away from the broad and technically difficult America Invents Act, and instead pass a streamlined, targeted bill that focuses only on long-term funding for the Patent Office.

I hope the House will seriously consider our objections to this legislation, we need legislation that truly promotes innovation and investment in new technologies. Such a system will create new industries and new jobs. The America Invents Act, as now

proposed, will likely have an opposite effect.

Joining AIPR in co-signing of this letter were:
• CONNECT, an organization entrepreneurs and investors dedicated to innovative technology and life sciences
• IEEE-USA (Institute of Electrical and Electronic Engineers) in the U.S., the largest organization of technical professionals in the world
• IP Advocate, a group that represents and assists the academic research community
• NAPP (National Association of Patent Practitioners), the trade association for patent attorneys and patent agents
• National Congress of Inventor Organizations representing independent inventors and entrepreneurs
• National Small Business Association, an organization reaching 150,000 small businesses
• Professional Inventors Alliance USA, a group that promotes the interests of inventors and entrepreneurs
• U.S. Business and Industry Council, an association representing small to mid-size businesses

“The fact of the matter is the America Invents Act is an infringer’s dream-come-true,” claims Alec Schibanoff, Executive Director of AIPR. “It was pushed by lobbyists for the large corporations that are the most notorious infringers of patents. If enacted, this bill would tilt the U.S. patent system in favor of the large corporations and put inventors, small businesses and universities at a distinct disadvantage.”

About American Innovators for Patent Reform
American Innovators for Patent Reform (AIPR) represents a broad constituency of American innovators and innovation stakeholders, including inventors, engineers, researchers, entrepreneurs, patent owners, investors, small businesses, and intellectual property professionals such as patent attorneys, technology transfer managers and licensing executives.

AIPR opposes any patent legislation that weakens U.S. patent system, which is a driving force behind American innovation. AIPR advocates a multi-tier patent system, automation of the patent application process and synchronization of patent and copyright laws.

For more information about AIPR, please visit www.aminn.org [1].

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