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The Honorable Darrell Issa
2269 Rayburn HOB
U. S. House of Representatives
Washington, D.C. 20515

Dear Congressman Issa:

Congratulations on your appointment as Chair of the Sub-committee on Intellectual Property (IP). IP protection is the lifeblood for many start-up companies, independent inventors and small businesses. Until recently obtaining patent or trademark protection provided a way for these communities to help keep their inventions or innovations from being taken by others. In the past few years this protection has been under attack by big businesses, unscrupulous individuals and government regulations.

For the past 25 years I have worked with inventors, small businesses and entrepreneurs. I recently retired from the US Patent and Trademark Office (USPTO) where, for the past eight years, I represented the USPTO in educating these individuals or groups of individuals on the importance of intellectual property (IP) protection. Since my retirement this past summer I have agreed to be the Executive Director of the United Inventors Association of the United States (UIA). In this latest capacity i represent more than 15,000 independent inventors and over 100 inventor clubs across the country.

I am very concerned with any future legislation aimed at patent reform where there is no opportunity for independent inventors, small businesses or entrepreneurs to have a voice in the formulation of the final bill. In HR 3309 that was passed in the last session of Congress, it appears that there was little, if any, opportunity for relief for inventors or others that are attempting to get financing, manufacturing or licensing assistance to move their patented and/or trademarked product to the market.

As you are aware, small businesses create most of the jobs in this country. Independent inventors and entrepreneurs are the starting point for many small or medium-sized businesses. Most of these individuals or groups do not have the financial resources to push their products forward or to take an infringer to court. Even if they were able to bring a court action, a company with deep pockets could outlast them and win a suit even if the company was truly infringing. Further, if a small entity were to get investment capital, it would be a disadvantage to a small entity due to the joinder provision in HR 3309. This joinder provisions could be a death notice to small entities that are trying to get their innovations to the marketplace, since investors would be more reluctant to invest in many innovations.

In both the American Inventors Protection Act of 1999 and the most recent America Invents Act there was language included that protected the inventor and other small entities including universities. Non-practicing entities create a difficult business situation for large and small entities alike. Including language in any legislation that ties the hard working inventor, small business and entrepreneur communities with those that are causing the largest problems does

nothing to assist the US in creating new jobs.

As I traveled across this great country over the past eight plus years, one thing I noticed is that the independent inventor and entrepreneur communities are fiercely independent and truly want to do things right. These communities are not the problem with the bad faith law suits that have been blamed on "patent trolls," instead they are trying to get products to market.

I believe that legislation is needed to control practices that are detrimental to innovation, but any patent legislation needs to include some protection for the independent inventor, small business and entrepreneur communities. Creating a bill that not only goes after the "trolls" but also protects the inventive spirit will be difficult. As The Executive Director of the UIA, I can offer my assistance, along with many of our Board of Directors. We would like to meet with you and your staff in Washington to provide information on the plight of the inventors and entrepreneurs who need assistance in any future patent legislation.

Thank you for your time. We look forward to working with you or your staff on this important issue and would like to set up a meeting in Washington at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John J. Calvert', with a long horizontal line extending to the right.

John J. Calvert
Executive Director
United Inventors Association of the United States
john@uiausa.org