



February 23, 2021

Andrew Hirshfeld
Commissioner of Patents
Performing the Functions and Duties of the
Under Secretary of Commerce for Intellectual Property and
Director of the U.S. Patent and Trademark Office
United States Patent and Trademark Office
600 Dulany Street
Alexandria, VA 22314

Re: Comments in Response to “Request for Comments on the National Strategy for Expanding American Innovation,” 85 Fed. Reg. 83,906 (Dec. 23, 2020), Docket No. PTO-P-2020-0057.

Dear Commissioner Hirshfeld:

The Innovation Alliance appreciates the opportunity to submit comments to the United States Patent and Trademark Office (USPTO) regarding the National Strategy for Expanding American Innovation.

The Innovation Alliance is a coalition of research and development-based technology companies representing innovators, patent owners, and stakeholders from a diverse range of industries. We believe in maintaining a strong patent system that supports innovative enterprises of all sizes and one in which everyone can participate, regardless of personal characteristics or circumstances. The Innovation Alliance believes that expanding participation in innovation is critically important to economic growth, job creation, and equal opportunity.

For these reasons, we strongly support the efforts of the National Council for Expanding American Innovation (NCEAI) and applaud the USPTO for focusing on this pressing issue. The development of a National Strategy to address the participation gaps in invention and patenting is an important step forward in ensuring that inventors from all backgrounds can contribute to our nation’s robust innovation ecosystem. The National Strategy should outline steps to address the barriers facing diverse inventors today, including lack of access to high-quality invention education, professional networking and mentorship opportunities, and venture capital and other funding streams to help bring their ideas to market. Addressing these issues and closing the patent gaps will require cooperation and change by all stakeholders—including government, academia, and industry—and we look forward to doing our part.

Women, people of color, and lower-income individuals patent at significantly lower rates than their representation in the population. According to a 2020 USPTO study, less than 13 percent of all inventors listed on a patent are women. A 2016 study from the Institute for Women's Policy Research found that Black and Hispanic college graduates patent at half the rate of their white counterparts. And a 2016 analysis from Harvard researchers found that individuals born to parents in the top one percent of income are approximately ten times more likely to patent inventions in adulthood than individuals born to parents in the bottom half of family income. These numbers tell the story of large and persistent gaps between those who are empowered to access the patent system and those who face greater challenges; between those who have access to advanced education and career opportunities and those whose opportunities are diminished; and between those who have access to the funding and support to invent and those who struggle to secure it. These cultural and structural barriers impact the universe of who has the opportunity to invent and patent, from children and students to working engineers and from start-ups to established business owners. Understanding and addressing these barriers is central to a National Strategy for Expanding American Innovation.

Some of America's earliest inventors were women and people of color who gave us foundational technology and breakthrough scientific research. There has always been a strong and vibrant community of diverse inventors in this country, despite the many barriers to innovation they face. However, too many inventors in those same communities are still not sharing equally in the benefits of patenting today. Studies show that inventors granted patents benefit from increased income, new promotion and job opportunities, broader social networks, and heightened prestige. Breaking down barriers to innovation will help improve opportunities for individual inventors and uplift underrepresented communities in the process.

Expanding participation in inventing and patenting would also help society as a whole. According to research, increasing participation in inventing and patenting by underrepresented groups would also quadruple the number of American inventors and increase annual U.S. GDP by almost \$1 trillion.

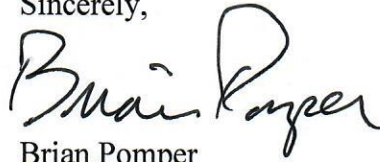
There is vast untapped potential among women, people of color, and lower-income individuals to invent and patent. Ensuring that inventors from different backgrounds are at the table will help bring new ideas to bear on the world's most urgent and important questions, from the coronavirus pandemic to climate change. We need America's brightest minds to help us tackle these issues creatively and effectively.

Promoting broader participation in patenting among diverse inventors will also allow us to compete more effectively in the global marketplace. As our competitors abroad strengthen their intellectual property protections and invest heavily in the education and training of the next generation of inventors, America must not leave our talent on the sidelines. For America to maintain its position as a global leader in cutting-edge technology development, we must harness the abilities and unlock the innovation potential of all inventors.

The Innovation Alliance thanks the USPTO for considering our comments, and we commend the USPTO and the NCEAI on your ongoing work to increase the participation of diverse inventors

in our innovation economy. We believe that the creation of a National Strategy for Expanding American Innovation is a critical step toward closing the patent gaps and empowering our nation's potential inventors. We look forward to the publication and implementation of the National Strategy.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Pomper". The signature is fluid and cursive, with the first name "Brian" and last name "Pomper" clearly distinguishable.

Brian Pomper
Executive Director
Innovation Alliance