

INVENT TOGETHER

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November 28, 2022

The Honorable Richard Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Grassley:

Thank you for your leadership in advancing [S. 2773](#), the *Unleashing American Innovators Act*, introduced by Senators Leahy and Tillis. Invent Together strongly urges you to support greater participation in inventing and patenting by passing this bipartisan bill.

Invent Together is an alliance of organizations, universities, companies, and other stakeholders dedicated to understanding the diversity gaps in invention and patenting and supporting public policy and private initiatives to close them. Invent Together believes that everyone should have an opportunity to invent and patent.

That is why we support the *Unleashing American Innovators Act*, which would provide meaningful support to inventors across America. The bill directs the United States Patent and Trademark Office (USPTO) to study and improve the Patent Pro Bono Program, expand eligibility for the Program, establish a satellite office in the southeast region, and establish community outreach offices to increase engagement with prospective inventors.

Patent Pro Bono

Patenting can be expensive and complex, and obtaining legal assistance can make the difference in independent inventors' and small businesses' success.¹ Senator Leahy sought to address this problem by establishing the Patent Pro Bono Program as part of the *Leahy-Smith America Invents Act* in 2011.

¹ The cost of preparing and filing a patent application typically ranges from \$10,000–\$25,000, depending on the complexity of the invention. See Louis E. Fogel & Shaun M. Van Horn, *In Brief: Patent Prosecution in USA*, LEXOLOGY (May 29, 2020), <https://www.lexology.com/library/detail.aspx?q=08f84c85-7e5b-4917-a9cd-d4ddaf145557>.



The Patent Pro Bono Program is a nationwide network of independently operated regional programs that match volunteer patent practitioners with under-resourced inventors and small businesses. Since the Program's inception, the regional programs have matched more than 3,400 people with volunteer patent practitioners, under-resourced inventors have filed more than 1,800 applications, and practitioners have donated more than 84,000 hours of legal services.²

The *Unleashing American Innovators Act* would build on this success by studying and strengthening the Program. The legislation directs the USPTO to assess whether the regional programs sufficiently serve inventors, whether the programs are sufficiently funded, whether prospective inventors are aware of the programs, and whether any program requirements deter prospective inventor participants or attorney volunteers. The study and directive to update the Program in response to the study's findings will help ensure that the Program is set up for continued success long into the future.

The legislation also directs the USPTO to work with and provide financial assistance to the regional programs to expand income eligibility. Regional programs currently set their own eligibility requirements, but, in general, a requirement for participation is having a gross household income less than three times the federal poverty level.³ The legislation would expand income eligibility to four times the federal poverty level. Expanding eligibility will help the Program reach a greater set of under-resourced inventors, and it is crucial that this come with financial support for the intellectual property law associations across the country that operate the regional programs and provide these important services for inventors.

Inventor Outreach

When speaking about the USPTO's efforts to expand participation in American innovation, USPTO Director Kathi Vidal often cites the importance of meeting inventors where they are.⁴ Approximately 240 million Americans live in states without any USPTO offices. The *Unleashing American Innovators Act* would expand access to the USPTO to tens of millions of Americans by creating a new USPTO satellite office in the southeast region and a network of community outreach offices across the country. Establishing these offices will help connect tens of millions of Americans to patent resources and also increase awareness about the benefits of inventing and patenting.

² Drew Hirshfeld, *The USPTO's Patent Pro Bono Program: Promoting Equity in Innovation Since 2011*, DIRECTOR'S BLOG: THE LATEST FROM USPTO LEADERSHIP (Mar. 23, 2022), <https://www.uspto.gov/blog/director/entry/the-uspto-s-patent-pro>.

³ *Id.*

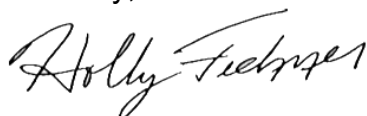
⁴ See, e.g., USPTO, Patent Public Advisory Committee Meeting: Quarterly Meeting 13–17 (June 2022), <https://www.uspto.gov/sites/default/files/documents/PPAC-Transcript-20220617.pdf>.



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Congress should make every effort to help all of our nation's inventors bring forth and patent their best ideas. Expanding participation in inventing and patenting will create jobs, grow businesses, close wage and wealth gaps, strengthen our economy, and help the United States remain a global leader in innovation. Invent Together urges the Senate Judiciary Committee to pass the *Unleashing American Innovators Act* and continue to support greater participation in inventing and patenting in the United States.

Sincerely,



Holly Fechner
Executive Director
Invent Together

CC:

The Honorable Patrick Leahy
Chairman
Subcommittee on Intellectual Property
United States Senate
Washington, DC 20510

The Honorable Thom Tillis
Ranking Member
Subcommittee on Intellectual Property
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