

Inventors Network of the Capital Area

P.O. Box 18052
Baltimore, Maryland 21220

Dear Honorable Members of Congress,

June 1, 2011

I am writing you today to share a few concerns members of the Inventors Network of the Capital Area (INCA) and I have about H.R. 1249, the America Invents Act. INCA, a non-profit inventor education organization, represents over three hundred inventors and entrepreneurs in the Maryland, Virginia, and DC area.

H.R. 1249 First to File is Unconstitutional

The United States Constitution, Article 1, Section 8, Clause 8, addresses the promotion of technology and the protection of intellectual property:

*To promote the progress of science and useful arts,
by securing for limited times to authors and inventors
the exclusive right to their respective writings and discoveries;*

H.R. 1249's First to File provision is unconstitutional. The US Supreme Court also holds that the First to File provision is unconstitutional. Please see the following article *Supreme Court Upholds "First-to-Invent" Standard in U.S. Patent Law* <http://www.businesswire.com/news/home/20110606006646/en/Supreme-Court-Uphol>

H.R. 1249 First to File Will Increase the Patent Application Backlog and Decrease Patent Quality

H.R. 1249 will increase the backlog of patent applications the United States Patent & Trademark Office already has to examine as the passing of this bill into law would create a rush to file patent applications due to the First to File provision. Rushing to file patent applications will only decrease the quality of the patent that may eventually be granted.

Another article that we would like to share is *Patently Absurd or: How to Go From the World's Best Patent System to Worse-Than-Most in a Single Step* <http://www.huffingtonpost.com/qary-lauder/patently-absurd-or-how-to-b-832703.html>. This article summarizes many of the concerns we and other US inventor communities have.

You may have already heard from the United Inventors Association (UIA) on this topic. The UIA president and executive director claim independent inventor members of the UIA do not take issue with H.R. 1249. It is interesting to note that the Inventors Network of the Capital Area (INCA) is a group member of the UIA. The INCA board and membership have not been contacted by the UIA concerning H.R. 1249.

UIA president Warren Tuttle incorrectly stated at the 2010 USPTO Independent Inventor Conference that the UIA has ten thousand members. The UIA may have the email addresses of ten thousand people. However, this is vastly different than having ten thousand members. When I served on the board of the UIA last year the UIA's own financial records disclosed only 350 dues paying members.

Therefore, in light of the facts shared above, it cannot be said that the UIA management reflects the positions of US inventors, much less the positions of even its own membership.

Please let me know if you have any questions concerning the viewpoints and facts shared in this letter. Thank you for a moment of your valuable time.

Sincerely,

Glen Kotapish

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