

Summary Testimony of
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On behalf of individual inventors, scientists, and entrepreneurs I applaud the Committee for making improvement of our patent system a topic of current discussion. It is a complex and technical subject which is often misunderstood, but it is vital. The patent system is the foundation of America's technological competitiveness. Patents are the legal construct that breathes economic life into inventions by giving their inventors a property interest in them. With many other issues pressing on the precious time of Congress I am very pleased to be honored with this unique opportunity to present my perspective.

The Committee Print addresses many important and needed reforms, including improvements in the treatment of inequitable conduct, the harmonization of US patent law with international law, and the need to free Americans to invent and innovate in today's flattened global economy. Reducing the likelihood of litigation, with the attendant cost, complexity and uncertainty is a worthy goal. Litigation saps resources that small inventors could put toward more productive pursuits, like new inventions. However, the Committee Print, as drafted, can benefit from changes in some very important areas: protecting injunctive relief for the inventor, improving the examination process, true reduction in litigation, export issues, willfulness standards, post-grant opposition, and patent continuations. I fear that some of these features would have the unintended consequence of increasing litigation and putting the small inventor at a disadvantage.

This subject is a one that is important to me personally and professionally. My first and primary concern is the protection of the rights of small inventors, including universities, small businesses and individuals. We need to keep the playing field level for inventors, because America's strength is in the diversity of its inventive talent. I hope that this Committee and this Congress agree with this priority. For if the US Government does not protect the rights of the American inventor, who will?

