

Edison Innovators Association
Fort Myers, FL



The Honorable Chris Coons, Ranking Member
Subcommittee on Intellectual Property
Committee on the Judiciary
U.S. Senate
152 Dirksen Senate Office Building
Washington, D.C. 20515

I am writing to express a concern that is of vital importance to the SW Florida community, the state of Florida, and the nation as a whole.

As President of the Edison Innovators Association (EIA) for the last 3.5 years, and member of the preceding Edison Inventors Association, I've run an educational networking endeavor strictly on volunteer basis to help aspiring minds become successful entrepreneurs by testing, protecting, and implementing their ideas into functioning businesses.

To honor your time, I'll be blunt.

EIA members and prospective members no longer have faith in the patent system as it now operates.

Our organization has suffered directly as a result. Multiple far more heavily financed local startup organizations have closed their doors in the last year as well, including the Rocket Lounge in Fort Myers, and Endeavor Workspaces in Estero. The EIA's monthly attendance has dwindled from 80-90, to a mere dozen or two. The Tampa Bay Inventor's Society has reported similar losses.

I am repeatedly faced with answering, "*What good is a patent these days?*"; "*I can barely afford a patent, how can I possibly defend it against big companies?*"; and "*How can I stop copycats!?*".

The short answer is now, "*YOU can't*". A choice few of our successful inventor friends have fought...to the cost of six & seven figures and years of distress. The vast majority are now simply giving up before they start. Why?

The Patent Trial and Appeals Board (PTAB) as it currently operates, is invalidating over 80% of patents challenged. The lion's share are brought by large corporations like Google, Apple, Samsung, etc. They simply find it more profitable to blatantly copy, and pay a court judgements and legal fees than to pay an inventor their fair share for what they developed as an entrepreneur in their home, basement, or garage.

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Further, without strong injunctive relief copycats currently keep their infringement earnings and continuing to sell knockoffs during the review.

Sadly, nearly every small inventor with a patent who seeks not be infringed is now a "Patent Troll" by definition of the large corporations. They've successfully marketed the public into believing a large problem with "patent trolls" exists, when in fact it does not. The USPTO stats show actual frivolous patent troll cases have been at an all-time low, even before the PTAB.

Millions in marketing and lobbying has clouded an over-reactionary "solution" in the PTAB, which actually helps squash "the little guys", who simply cannot afford a fair legal defense. Ask yourself where such a budget exists to let this truth be known to you and the nation in response?

This is why I write you today.

This is why I have travelled to our nation's capital to meet with my representatives directly.

I trust you hold your office because you want to strengthen the US economy and bolster job creation. The patent is a cornerstone built into the Constitution as a property right that every American is born with.

Yet the PTAB allows it to be invalidated without due process of an Article III court, without a jury, or even review and testimony by leading field experts. This MUST change.

Please consider helping American inventors to continue building businesses and developing jobs beyond the corporate giants.

Until the rules to the inventing game change, the common inventors don't stand a chance.

 9/10/19

Matt Stieg, President
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