

ZAXCOM INC.

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The Honorable Thom Tillis, Chairman
Subcommittee on Intellectual Property
Committee on the Judiciary
U.S. Senate
224 Dirksen Senate Office Building
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The Honorable Chris Coons, Ranking Member
Subcommittee on Intellectual Property
Committee on the Judiciary
U.S. Senate
152 Dirksen Senate Office Building
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The Honorable Cory Booker
U.S. Senate
717 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Bob Menendez
U.S. Senate
528 Hart Senate Office Building
Washington, D.C. 20510

Honorable Senators:

I am Glenn Sanders, president of Zaxcom, Inc. Zaxcom is a New Jersey based manufacturer of Audio products for the Television and Motion Picture industries. We manufacture patented recording wireless microphones and audio recorders. To illustrate the importance of the invention, we were awarded an **Emmy** by the Television Academy and a **Motion Picture Academy Award** as conformation of the inventions importance to satisfy a long standing need to eliminate lost audio due to the use of wireless transmission microphones with their inherent unreliability. Improving sound quality and production of motion picture and television productions.

Recently a US based competitor of ours (Lectrosomics) based in New Mexico infringed three of our patents for "Recording wireless microphone technology". They are a much larger company with the resources to do whatever they needed to do to steal our technology without compensating Zaxcom for its inventions. Zaxcom is a small inventor owned manufacturer that employs about 20 people. Lectrosomics employs about 150 people to give you some scale reference. Without being able to get Lectrosomics to negotiate a settlement or license agreement we had to file suit against them in New York where they had a sales office. The case was moved to New Mexico where their main office is located due to TC Heartland and its impact on Jurisdiction.

Lectrosonics had never offered a legitimate defense for the infringement. Instead, they decided to attempt to invalidate our 3 patents asserted against them at the PTAB. These cases are currently in process with final oral arguments scheduled for Oct 25, 2019 at the Gaylord Hotel in front of the entire patent attorney community. (Hope you can attend)

The case they put together for the PTAB is mind boggling in that their evidence is based on a patent troll written science fiction patent that cannot be built and does not do what our invention does in the first place. Our invention needs to be a body wearable transmitter/recorder pack that can be easily hidden like a cell phone. Their reference is described as the size of a back pack. Can you imagine the cast of Seinfeld wearing back packs in every scene? They have to combine this with a television station transmission system that cannot be body wearable as it requires 100s if not 1000s of pounds of equipment to operate and a hardwired connection to the internet in order to operate. Certainly not body wearable.

Yet with these obvious differences and more, the PTAB instituted the 3 IPRS against Zaxcom. To put this bluntly this patent system is broken. We were awarded our patents for a unique innovation of a wireless microphone transmitter that records audio on a body worn device while transmitting the same audio content with digital precision to a remote recorder so the local recording can be used to easily repair RF dropouts. The PTAB is being used by Lectrosonics to avoid the litigation brought by Zaxcom to stop their theft of our inventions that are needed for our company to compete in a very competitive market. If they are successful we will lose our patent protection. They and any other company will be able to steal our IP.

We worked very hard to innovate and invent at considerable expense to obtain our patents. It is beyond any fair or reasonable expectation that anyone who wants to steal your ideas can use any related or unrelated art to do so. Any infringer can now hire a patent law firm to put together a PTAB case that attempts to reinvent the invention after the fact and attempt to argue at the PTAB that the invention is obvious or was not original in order to "Legally" steal the patented technology. Especially when the patent office has already established the invention with the award of the US patent. This allows the PTAB to effectively reopen the patent case after the patent is granted for the **benefit of the infringer or any party**.

In the case of **Lectrosonics vs Zaxcom** the case put together by the Lectrosonics attorneys after the infringement by Lectrosonics is with unrelated art not owned by Lectrosonics. It is designed to bamboozle the PTAB into invalidating Zaxcoms patents allowing the attorneys for Lectrosonics to argue that the **Emmy Award** and **Motion Picture Academy Awards** presented to Zaxcom for the exact invention are for something completely different. This conduct is effectively allowing an infringer to purchase patent rights from a law firm at a lower cost, rather than by licensing from the original inventor. This is no different than paying a criminal to steal a car for you rather than purchasing it directly from the owner with the advantage that it is currently legal to do as allowed by the PTAB.

The PTAB in my opinion has become nothing more than a tool for infringers or any unrelated party with Deep pockets to "Legally" steal IP from rightful patent owners. As it was in the past, once a patent is issued, that should be it as far as involvement from the patent office. Any disputes would be settled during litigation between the parties. How can I be forced to defend my patent an infinite number of times from any number of parties at the PTAB? This is not double Jeopardy but **infinite endless Jeopardy**. For the PTAB to allow any single or multiple reference to be used to invalidate legitimate patents without limitation is unbelievable. **Why would I even want to invent or patent anything going forward?** My patents seems to be a **ticket to bankruptcy** rather than protection against infringers and the greedy companies who have a system (PTAB) custom designed to allow them to steal the IP from smaller inventors like Zaxcom who are passionate about what we do. The system is rigged against the inventor. Please help to reform this mess.

I worked hard to invent and get my patents. My patents should be as asset. As it stands, they are a liability.

Glenn Sanders

President Zaxcom Inc.

Pompton Plains New Jersey