

# AIPLA

## American Intellectual Property Law Association

September 8, 2022

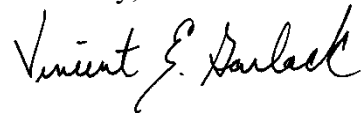
Kara Dubbs  
Hearing Clerk  
U.S. Senate  
Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, DC 20510

Dear Kara:

In response to your email of August 22, 2022, please find attached the responses of Angela Grayson in response to the proposed Questions for the Record (QFRs) related to the April 21, 2021, Hearing on: "Improving Access and Inclusivity in the Patent System: Unleashing America's Economic Engine."

Thank you for the opportunity to provide these responses and for the Committee's consideration of these views.

Sincerely,



Vincent E. Garlock  
Executive Director  
American Intellectual Property Law Association

**Questions for the Record of Senator Patrick Leahy  
Chair, Intellectual Property Subcommittee  
Hearing on: “Improving Access and Inclusivity in the Patent System: Unleashing  
America’s Economic Engine”  
April 21, 2021**

**Question for Ms. Angela Grayson**

1. Changes in technology, including improvements in search functionality for examiners, have the potential to make the patent examination process significantly more efficient. My understanding is that the PTO is also developing a search tool to allow the public to search comparable patents before having to go through the lengthy process of submitting patent applications and paying the requisite fees.

- a. **Do you think expanding availability of any forthcoming search technology to allow for public use will help improve access and inclusiveness for inventors?**

Response: Yes. It is important that inventors are empowered to do their own searching. Further, any tool the USPTO may be developing should be accompanied by a robust training program, and the tool should leverage natural language searching capabilities rather than simply Boolean techniques to maximize ease of use.

- b. **In what ways would our patent system become more efficient if the members of the public can use stronger tools to search through existing patents and other prior art before going through the process of submitting a patent application?**

Response: The availability and use of stronger tools empowers inventors to self-screen at least the novelty of their inventions. Based on this self-screening, inventors: 1) may opt to avoid filing a patent application that is likely to be rejected; or 2) further refine their inventive concept to distinguish the prior art; or 3) continue the creative process to develop and define an invention that overcomes the prior art found.

**Questions for the Record of Senator Thom Tillis**  
**Ranking Member, Intellectual Property Subcommittee**  
**Hearing on: “Improving Access and Inclusivity in the Patent System: Unleashing**  
**America’s Economic Engine”**  
**April 21, 2021**

**Questions for Ms. Grayson:**

- 1. What recommendations do you have to increase the participation of marginalized and underrepresented groups in the patent system?**

Response: Create greater awareness of the various tools, training, resources, incentives and options available to inventors. To reach marginalized and underrepresented groups, the USPTO should focus its efforts on partnering with groups designed to serve that particular demographic.

- 2. What does success look like to you in terms of improving access and inclusion in the innovation ecosystem and what steps will it take to get there?**

Response: Measurable/verifiable metrics establishing that more people in marginalized and underrepresented groups are aware of the various tools, training, resources, incentives and options that exist for inventors. Whether these stakeholders choose to file for intellectual property protections is a business/personal choice for the inventor. Awareness of their options is a critical first step.

- 3. What initiatives in this area have been particularly successful, in your perspective?**

Response: Programs like I-CORPS do a great job helping NSF/SBIR awardee innovators create IP and commercialization plans. The program is a great example of what happens when the innovator is adequately trained on commercialization and IP strategy options related to their technology. While the program is not specific to underrepresented groups, it is a great example of how a highly targeted structured program can have a tremendous impact.

- 4. Where do you think main obstacles are towards achieving this goal? How do you recommend addressing the issue?**

Response: The main obstacles are deciding with which organizations to partner as well as providing enough funding to drive awareness so that the organizations do not bear the brunt of the effort financially. The USPTO should have the flexibility to partner with various organization with the highest potential to reach the community of interest. Empowering regional USPTO offices to execute this initiative may also be an effective way to achieve the goal.

**5. What advice do you have for underrepresented entrepreneurs and innovators?**

Response: Align with as many incubator and accelerator organizations as possible to network and learn, and to establish business mentor relationships. Successful business mentors most likely have lessons and experiences to share about their IP journeys in their respective businesses.

**6. In your experience what are some important considerations for the PTO to consider when looking at how to increase diversity and inclusion in the patent system?**

Response: Important considerations could include: 1) a conscious effort to ensure the USPTO Examiner Corp is diverse; 2) ensure any USPTO live trainers/virtual trainers are diverse or comprise a diverse panel of speakers; and 3) partner with more underrepresented-serving organizations on their business-related programming to reach underrepresented innovators. Investors are increasingly focused on impact investing and innovations that target underrepresented communities.