

**STATEMENT**

**By**

**THE INSTITUTE OF ELECTRICAL AND ELECTRONICS  
ENGINEERS—UNITED STATES OF AMERICA (IEEE-USA)**

**To The**

**UNITED STATES HOUSE OF REPRESENTATIVES  
JUDICIARY SUBCOMMITTEE ON COURTS AND INTELLECTUAL PROPERTY**

**For The**

**OVERSIGHT HEARING ON  
“PATENT QUALITY IN THE INFORMATION-BASED ECONOMY”**

5 April 2006

IEEE’s U.S. members are among the most frequent users of the USPTO, and therefore we have a compelling interest in ensuring that legal principles governing patent policy are consistent. By virtue of the practical experience of its members, the IEEE-USA respectfully believes that its views can assist this committee in evaluating the effect of patent reform proposals on technical innovation, especially that of independent inventors and small businesses. We support patent reforms that enhance our members’ abilities to secure the patent protection they need, the lack of which would adversely affect our country’s competitiveness, economy, and technological advancements.

IEEE-USA believes that our nation’s global competitiveness and our economy are directly tied to the innovations made by inventors of all types, including independent inventors, inventors employed by small businesses, inventors employed by research laboratories and universities, and inventors employed by Fortune 500 companies. The historical growth of more than one Fortune 500 company can be traced to the success of a startup with a handful of inventors that obtained funding due in great part to being able to protect their intellectual property. As such, the voice and concerns of the independent inventor and of small business entities must be considered along with the voice and concerns of larger entities at all stages of developing and when implementing changes to the patent process.

We commend the Judiciary Committee’s efforts to explore the complicated issue of patent reform. However, IEEE-USA believes that an investigation of patent reform requires Congress to assess all concerns, including those relating to the actions of patent infringers and patent trolls. If Congress reacts to concerns about patent trolls without assessing the consequences for patent

holders who are subjected to patent infringers, then Congress might risk implementing bad legislation.

Patent reform requires the consideration of all viewpoints. Within IEEE's U.S. membership, there is a diversity of views about patent reform. In contrast, witnesses at the Wednesday, April 5, 2006, Judiciary Subcommittee on Courts and Intellectual Property oversight hearing on "Patent Quality in the Information-Based Economy" presented a surprisingly unified position. Their testimony focused on restricting either the scope of patent coverage or the strength of patent enforcement provisions, without any real consideration of individual patent holders who may have valid concerns about losing their rights. In fact, the hearing presented the views of a Canadian company (Research in Motion), a Swiss Company (UBS), a legal scholar and the Under Secretary of Commerce for Intellectual Property. Many countervailing views, including the views of inventors and small business owners, were not presented.

The IEEE-USA looks forward to assisting the USPTO and Congress in your efforts to improve the efficiency and quality of the patenting process. We believe that the subcommittee should hear a representation of all views before deciding on patent reform. More specifically, IEEE-USA believes that the subcommittee should hear from U.S. companies and at least one practicing patent attorney (that is not directly employed by a single company).

### **About IEEE-USA**

IEEE's U.S. members include inventors, innovators, designers, independent entrepreneurs, small business owners, and employees of firms that acquire, license and exploit intellectual property. Their collective efforts promote our nation's prosperity, security, and competitiveness by fostering technological innovation. IEEE supports the engineering process of creating, developing, integrating, sharing and applying knowledge about electronics, information technologies and physical sciences for the benefit of the profession and humanity.

This statement was developed by the Intellectual Property Committee of the IEEE-United States of America (IEEE-USA) and represents the considered judgment of a group of U.S. IEEE members with expertise in the subject field. IEEE-USA is an organizational unit of the Institute of Electrical and Electronics Engineers, Inc., created in 1973 to advance the public good and promote the careers and public policy interests of the more than 220,000 electrical, electronics, computer and software engineers who are U.S. members of the IEEE. The positions taken by IEEE-USA do not necessarily reflect the views of IEEE or its other organizational units.

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