

Comments regarding Competition & Intellectual Property

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April 15, 2002

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The first paragraph of Title 35, section 112, implies that an invention must be possible to make and use. However, I find over and over patents that were never made or used because it was impossible to make the invention. If the inventor cannot make the invention, what makes it plausible that any person skilled in the art would want to make the invention that is already protected by a patent. If inspiration is only 10% of an invention, why does it command all of the rights of a patent? If an inventor cannot make an invention work, he should not be able to prevent other people from developing the invention when enabling technology makes the invention possible to make and use. To be able to patent anything that can be imagined defeats the benefits of the patent system. Also, not being able to patent an invention after solving the problems of how to make the invention work discourages invention, disclosure, and investment.

By filing for a patent, an independent inventor should be protected to disclose his ideas to investors without fear of being robbed. The investors should be confident that if the invention has not been produced before, that they will have protection for a time to recoup their investment. I do not feel that these protections are afforded by the present patent system for independent inventors. In fact, by allowing questionable patents, everyone loses except the lawyers.