

Patent Reform Act 2009 PTO Integrity Improvements

www.inventingconsultantcreator.net  
www.worldsonlyinventorofsignificancearguably.com  
Michael R. Thomas Inventing Consultant  
189 Evergreen Road  
North Fort Myers, Florida 33903  
Telephone (239) 731-9860

To: Deputy Under Secretary of Commerce for Intellectual  
Property and Deputy Director of the United States  
Patent and Trademark Office  
Telephone: (571) 272-8700  
FAX: (571) 273-0464

Subject: Patent Reform Act 2009 PTO Integrity Improvements

Attention: John Dull, Under Secretary of Commerce and Director of the USPTO John Dull

1. The Change to "First to File" as the Primary Evidencing Method of First to Invent. Immediate Conception Determination Awarding. Evidencing immediately by checks of master list of invention for novelty determination, then awarding 15% minimum statutory percentage of profits after all expenses for 20 years, second evidencing method, at 3 to 6 months after filing, bereavement hearings for inventorship determination, this determination method uses provisional patent intellectual property domination by the ability to add related patentable intellectual materials to the original to complete conception or to complete the conception of additional related or unrelated inventions to show overwhelming evidence of conception ability, third method is historical related invention clusters using proximity locations knowledge of original claimed inventors involvement in various types of related invention clusters including cities, addresses, walking distances, friends, relatives, classmates, dates, and employment locations, etc., fourth method, the ability to have no cross filers within the original 90 day period (non-espionage invention), fifth method, multiple conceiver allegations, the more individuals who claim to be inventors or co-inventors, the less probable the legitimacy of the claim (large packs of conspirators), this exclusion will not apply to research and development after inventorship determination.
2. The change to provisional filing as a conception document with additions and updating like an inventor's notebook. Becoming an improved evidencing PTO document through 1 Year, Evidence of the Ability to Advance the Original Concept into a Stage where a person having skills in the area could construct the invention without undue research and development.
3. 90 Day Secrecy Period as the evidence of non-espionage, filers in this period may be determined to have equal rights due to espionage derivation. Improvements in patent office security might work if honest employees and non-financially involved volunteers can be located or files can be sealed against viewing, otherwise one of the other evidencing methods may be necessary, such as "First to File" immediate issue after deadline for the category of the invention passes.

4. Extended Non-Publishing to 10 Years to protect inventions against non-participant bandit countries. With the reduction or elimination of these bandit countries, this publishing could be reduced to the present 18 month status or the date of release to public for sale of the product.
5. 3 to 6 Month after Initial Filing Derivations Hearing before New Patent Issuances: This provision would strengthen patent values by hearing derivation proceeding before proceeding with patent issuance. This would in no way impact the 1 year conception provisional patent period. It would apply to non-provisional patent filings only. Notices will be mailed to individuals who have patents that are cross filed during the 90 day secrecy period.
6. Non-Provisional Patent Filings at 1 Year completion of intellectual domination period of claiming and sub-invention claiming absolute right also secrecy improvement. Non-provisional patents may include as many inventions as the inventor conceived pertaining to the original invention. Intellectual property rights of filing can be sold or partnershiped from these provisional patents in partnerships to obtain non-provisional patents. No monies may be paid until the actual issuance of a patent.
7. Mater List of Previous Inventions, Plus Daily Updates must contain all invention previous or present production responsibility of companies involved in production to report to USPTO with photographs with correct classification, Also, improvements of existing classification PTO cross-reference of the abstract and title reassignment to correct classification, Also, refinement of classification titles and sub-titles. Any inventions presented that are not on this list will be considered new and issuable patent subject matter. Sources of information should include full internet search of products available. Full national or world wide database inclusion of unique patented items will included in the original list and updated. Major publications can be used when the difference can be determined between genuine and counterfeit issues. Historical books, catalogs, magazines, and newspapers, all of these items must be presented before the first original master previous invention list is compiled.
8. International Patent System Member Country Union and Non-Member Exclusions including Trade Embargos and Sanctions for Intellectual Property Theftting in All Countries, Participant Improved Compliance Inspection Policies of Non-Infringement and Illegal Manufacturing Startups
9. Refusal to Deal (Independent Inventor Lock Out Bar), Refusal to Partnership on Percentage of Profit Basis, and Refusal to Purchase Bar and Price Arbitration, Refusal to Deal declared Illegal. Contractor purchases only declared illegal and a potential conspiracy to defraud the inventor.
10. Conspiracy to Control Auction Prices: This activity will be punishable by the same laws controlling county land auctions.
11. Select Top Projects Public Funding for Development Available, This provision ensures that top projects will become available to the public by guaranteeing public funded loans for development and business startup
12. Anti-Thicket Patenting and Patenting Around Legislation, This provision will define invention improvement restricting patent filing and revoke existing patents and prevent new patents from being issued in situations where it would prevent product improvement or competing products competition
13. R & D Non-Starting until Filing of Original Conception Document: This provision ensures that no one will have a product under development without first filing a conception document establishing exactly

what the development is to encompass, thereby eliminating the argument of stolen intellectual property and the use of R&D to steal an inventor's intellectual property.

14. Non-Divulgement Requirement Absolute Novelty: No invention may be divulged to anyone previous to provisional patent filing.

15. Value of invention percentage of profit, licensing, cash sale, improvements and features, as determined by consumer test marketing or actual price improvement sales proportion, damages, triple damages, after notification and refusal to deal.

16. Auctioning requirement after 5 years if no production startup company has begun, sale, or no licensing, required auctioning becomes mandatory at 33% of profits after all expenses minimum bid in the 6th year reducing equal increments to 2% at 19th year, inventor grouping rights to boost bid prices retained. This provision will not be implemented when legislation is needed to create demand or economic recession or other factors contained in the provision are claimed.

17. Inequitable Conduct (Theft of Intellectual Properties, Civil Rights Violations, Conspiracies, Duress of the Inventor, Patent Re-Issuances Cluster Proofs Wrong Inventor, Fraud, Proximity Location Evidencing, Master Inventor Clusters)

18. Inventor's Oath: Inventors will swear to the best of their knowledge that they were the original conceivers of the inventor without which the item would not exist. There's no penalty when items are discovered in existence due to the huge volume of items on the market. The oath can be removed at any time the inventor discovers previous art existence.

19. Inventions Classification Improvements: New classifications will be accepted for anything that is valuable and therefore in need of protection.

20. Applicant Quality Submissions: During times of high patent volume or the inability to find sufficient PTO personnel to handle application volume, the PTO may elect to grade non-provisional patents based on a 3 stage grading system, good, fair, and poor, as a method of alerting applicants as to the non-marketability of their application subject matter to reduce patent flow volume to a manageable level.

21. USPTO Security Funding: This provision will be financed through establishment of fees based on company profits from patented products up to 4%. Security will be assigned in the event of inventorship disputes and inventorship frauds.

22. Secrecy of the Files Violation may be declared after an individual's third invention has been leaked in the 90 day period following the filing by the PTO or independents ease dropping from claim jumpers. This allows hand written and drawn materials to be presented to the PTO in person. This situation will invoke two other methods of consideration for patent granting including filed group cluster consideration. This will allow the fact that a filed group of patents is on file by the patentee in question to be considered as an evidencing method of inventorship. Another evidencing method that should be invoked is the right of a patentee to file multi-invention blank patents and not reveal the contents except in exchange for a patent granting. Release of the patentable conception through news media or introduction of the patentable item in question is barred and considered in a fraud attempt, especially in the 90 day secrecy period. The judge may set a deadline for counter filing in identical categories to the group of patents that have been requested for special patent granting due to security leaks (90 Days

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Notice of Intention to File will notify any allegedly deprived individuals of the potential granting date in order to counter file).

23. Obviousness or non-obviousness invention will be changed to marketable or unmarketable invention as a method of determining patentability with the assumption being that if the invention has not been invented in 2,000 years then it was essentially non-obvious, since it has proven its value by being marketable.

24. Delayed Patent Issuance. Patents may be delayed in issuance up to 20 years in the event that a market for the product has not been developed due to economic conditions or lack of legislation to direct force the invention on to the market or the instance that the economic conditions are not in place due to a poor economy or supply in demand of commodities

25. Patent Pending Startup Banned until Final Patent Issuance, at 6 Months Post Non-Provisional Filing Uncontested or Contested "Make Special" Applications, at 18 Months with Provisional Filing "Make Special".

26. Assumed Duress of the Inventor (Anti-Gestapo Act): No individual may approach an inventor and use intimidation and threats of violence or murder as a method of extracting intellectual materials for the purpose of theft. No individual may ask another individual for intellectual materials that they do not expect to pay for in person. 10 day cooling off period. Any individual alleging to have obtained intellectual materials for free on a voluntary basis must submit a signed neutral party sign-off with psychiatrist examination and counter offer of minimum 20 man security force as an alternative to signing. No employer may use the divulgement of intellectual material as a basis of hiring employees or as a condition for continued employment.

27. The Right of the Conceiver to Control Development and Receive a Percentage of Profits, 15% Minimum Profits and the Owner of the Intellectual Property for 20 Years, Except in the instance where the conception is incomplete as to being marketable. In this situation, intellectual property rights can be lost in 5 years and will only apply to the percentage of the total intellectual property necessary to create one or more marketable products. This percentage may also be reduced in the event that the conceived invention is a combination of previous inventions.

28. Inventors Sole and Co-Developers: This provision establishes that only one person is the inventor and that all others are developers or researchers.

29. Internet Usage of Company's Present Websites to show non-existence and non-availability of new products.

30. New Categories of Invention: Experiment Creation 15% of Eventual Commerce or Human Advancement Benefit, Business Method 15%, Retroactive Compensation for Previously Created Experiments

31. Product Improvement Free Market Value and Usage Determination Experiments

32. Marketing Denial Conspiracies (Store Shelf Space Unavailable for New Products) Entertainment Intellectual Property Contractual Exclusion (Corporation New Inventor Black Balling and Refusal to Partnership)

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33. 218 Year Derivation Hearings to re-instate any wrongfully issued patent. This provision would allow individuals who were wrongfully denied patents to prove the wrongful denial through invention cluster determination methods to prove master inventorship. This will lead to the granting of a new patent as a compensation for the previous wrongful issuance.

34. Telephone Divulgement: No individual may transfer by voluntary telephone conversations or in person meetings anything that they know is an intellectual property except by accident in which case they must file a provisional patent within 90 days and also indicate the details of the conversation in as much as is known.

35. Think Tank Exclusion: All think tank conversions must be recorded by each individual participant in order to actively determine who invented and who assisted.

36. Provisional Patent Additions

37. Non-Funding Conspiracies (No Startup Capital): In the event that it is determined that a non-funding conspiracy exists, through civil rights violations.

38. Damages: Inventors will notify the USPTO or the USPTO will investigate independently cases of infringement and notify violators of their options to stop manufacturing immediately, 90 days, or deposit moneys into court sponsored PTO accounts equal to the amount owed plus interest at 15%. Final determinations of infringement or non-infringement must be made in a prompt manner not to exceed 1 year from the original complaint.

39. Notification of Provisional Patent Application Infringement: Applicants will notify the USPTO regarding disputed infringement during this 1 year time period. Companies will be notified by PTO of potential infringement damages. In these situations, same provisions will apply as in section 38 except that the period of time between the receiving of a complaint by the patentee or will create a liability for the period of time of the provisional patent, up to 1 year, in addition a determinations must be rendered within 1 year of the filing of a non-provisional application related to the infringement.

40. Reasonable damages for infringement will be determined by the contribution of the overall invention in relationship to its importance or contribution to the overall product. Infringement suits will not be filed without a reasonable attempt by the patentee to obtain compensation.

41. The usage of a new invention when it is a part of other inventions will not be denied in fields not in direct competition with the licensee or the owner of the patent. Usage in these fields must be purchased through licensing or sales.

42. Intellectual Property Absolute Rights: All intellectual property from the time it's spoken, is the property of the individual who spoke the original words and no other individual may file for a patent claiming to be the inventor (Inequitable Conduct and Subject to Fines up to \$1,000,000 or Fraud Charges).

Sincerely,

Michael R. Thomas