

# THE COALITION FOR 21ST CENTURY PATENT REFORM

*Protecting Innovation to Enhance American Competitiveness*

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## **THE BENEFITS OF THE FIRST-INVENTOR-TO-FILE SYSTEM OF H.R. 1249**

The first-inventor-to-file (FITF) system of H.R. 1249 simplifies the process of acquiring patents, reduces legal costs, improves fairness, and enhances effectiveness by:

- Eliminating the wasteful and very expensive legal challenges in the USPTO to determine which patent applicant was the first to make an invention.
- Reducing the need for onerous record keeping to document and corroborate proof of invention.
- Encouraging U.S. inventors to promptly file patent applications in the USPTO, thereby increasing their chances for obtaining global patent protection and strengthening their competitiveness in foreign markets.
- Allowing the USPTO to more promptly and thoroughly examine and grant patents by applying objective criteria to publicly available information.
- Increasing the quality, predictability and reliability of U.S. patents by removing subjective features such as those provisions in the current law that depend on determining an inventor's or attorney's state of mind at the time an application was filed years earlier thereby encouraging more investment in, and jobs derived from, new technologies.
- Eliminating discrimination favoring foreign inventors (who are not barred by prior use or sale of their inventions in their home countries) over U.S. inventors (who are barred for similar activities undertaken in the United States).
- Better implementing the Constitutional objective of advancing technological progress through the publication of new inventions by discouraging unnecessary delay in filing of patent applications.
- Ensuring a smooth transition of FITF by applying it to newly-filed applications and phasing in post-grant reviews to patents issued from such filed applications.
- Protecting inventors from the possible theft of their inventions by non-inventors who derived (i.e., copied) the idea from the true inventor.
- Reducing the cost of patenting for the smallest filers by providing a 75% fee reduction for such individuals/small entities while continuing the existing 50% fee reduction for all other independent inventors and small businesses.