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An Inventor's Response to Eric Schmidt, Executive Chairman of Google and His Recent Commentary on the United States Patent System at the Dreamforce Conference by Inventor Richard C. Fuisz, M.D.



LOS ANGELES, Sept. 6, 2011 /PRNewswire-USNewswire/ -- "As a lifelong inventor in drug delivery, diagnostics, medical devices and software-based systems, I was dismayed by the ballyhooed comments of Google Chairman Eric Schmidt concerning our patent system, its 'reform' and the role patents play in supporting American innovation and technological leadership.

"Google's policy of fighting rather than settling third party patent claims is not only well known but is an ostensible source of pride for Google's legal department and its corporate leadership. Allowing Google to set an industry agenda for patent reform that is akin to inviting the fox into the henhouse.

"The Google story about so-called broad patent issuances in the late nineties omits the reality of the intervening decade which has seen a patent office afraid to allow patents for fear of the blowback that has been famously delivered on quite a few occasions by corporate lobbyists and congressmen on behalf of contributors. After the pendulum swung entirely against issuing new patents, we have finally seen a return to a rough middle ground. It is this middle ground that Eric Schmidt would like to plough up with his offered improvements.

"The 'crowd-sourcing' concept is intended to sound like a neutral device to bring relevant prior art to the attention of the examiner. It is nothing of the sort. Rather, it is a mechanism whereby big companies like Google can draw a bead on a patent application and essentially lobby against its allowance. As an inventor of hundreds of patents worldwide and in my seventh decade, I know exactly what it will mean when a young patent examiner is subject to big corporate lobbying against particular patent applications. It's going to mean the big guys win and the small guys lose.

"I have also seen, first-hand, when the big corporate mentality is too often to simply steal the invention of the small company, and let that small company try to have its day in court, of course, with attendant legal fees. We know where that story typically ends. In a time when small business is in trouble, do we really need to tilt the scales further towards big corporate interests?

"The founding fathers enshrined the patent system in our constitution for a reason – to encourage invention and innovation. I say they were pretty prescient. The attempts of Google and others to 'reform or streamline' the process must be seen for what they are – namely, the attempts of the powerful to protect their place at the top of the heap."

Richard C. Fuisz, M.D. is an American-Slovenian inventor, a medical doctor and a veteran (http://en.wikipedia.org/wiki/Richard_Carl_Fuisz). He is involved in many platforms in drugs, diagnostics and interactive marketing (www.fuisz.com).

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