

Congress of the United States

Washington, DC 20515

August 6, 2018

Andrei Iancu
Director
United States Patent and Trademark Office
600 Dulany Street
Alexandria, VA 22314

Dear Mr. Iancu:

Women, racial minorities, and low-income individuals are significantly underrepresented in the innovation ecosystem. The Institute for Women's Policy Research reported that in 2016, less than 20 percent of U.S. patents listed one or more women as inventors, and under 8 percent listed a woman as the primary inventor.¹ In 2017, the Equality of Opportunity Project found that white children are three times more likely to become inventors than black children, and that children from wealthy families are ten times more likely to have filed for a patent than children from families below the median income.²

Moreover, evidence strongly suggests that the inclusion of women, minorities, and other underserved communities is beneficial not just for inventors, but for the business sector as well, and that technology patented by teams including women fare better over time. Information technology patents with mixed-gender teams are cited most often in subsequent patent applications, suggesting that greater diversity may lead to the development of patents that are more useful and successful, which in turn leads to further growth and job creation. One study estimates that GDP per capita could rise up to 4.6 percent with the inclusion of more women and African Americans in the initial stages of the process of innovation.³ This data simply cannot be ignored any longer.

As legislators evaluate proposals to promote diversity within the innovation community, data such as that set forth above will be essential. In order to truly address the needs of many firms holding intellectual property rights, or who have the potential to do so, Congress must eliminate the gender, racial, and wealth gaps to allow for additional small business growth. But first, Congress needs the important demographic data and report on patent applicants. Without it, thoughtful policy to close the intellectual property gap for women, minorities, and other underserved inventors will continue to elude us.

¹ Milli, J., Ph.D., Gault, B., Ph.D., Williams-Baron, E., Xia, J., & Berlan, M. (2016). *The Gender Patenting Gap* (Rep. No. IWPR #C440). Washington, D.C.: Institute For Women's Policy Research.

² Bell, A., Chetty, R., Jaravel, X., Petkova, N., & Reenen, J. V. (2016). *The Lifecycle of Inventors* (Rep.). The Equality of Opportunity Project.

³ Cook, L., & Yang, Y. (n.d.). "Missing Women and African Americans, Innovation, and Economic Growth" American Economic Association. Retrieved July 13, 2018, from https://www.aeaweb.org/conference/2018/preliminary/1782?q=eNoIizEOgzAQBp-yNUUo0rhNS5k-OpGTOBFzls-ALMt_xyjQzax2CozNRJd3DgxXboVDj9qBzHRsgg6Jo2_0Up2bGVMcp0G8JDs7WtOk8fMjS3f7pXyV4vIPm_B-vmMIbXg-UOsB6ZopBw.

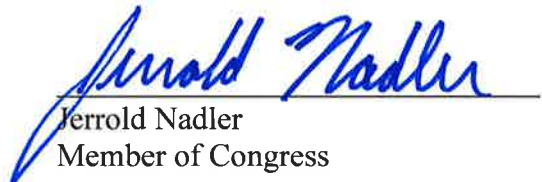
We understand the U.S. Patent and Trademark Office (USPTO) has made efforts in the past to study the demographics of America's inventors. In compliance with Section 29 of the Leahy-Smith America Invents Act, the Director of the USPTO was required to "establish methods for studying the diversity of patent applicants, including those applicants who are minorities, women, or veterans."⁴ The USPTO worked with others in the Executive Branch to better analyze its existing data and, in parallel, reviewed efforts to study demographic, economic and other forms of diversity, with most coming from academic institutions. Unfortunately, this data is not enough to understand the needs of underserved inventors.

For these reasons, we are writing to urge the USPTO to work on an internal basis and with other federal agencies to voluntarily collect and report on an annual basis the demographic information of patent applicants, including gender, race, ethnicity, national origin, age, and income level. Without this data, Congress lacks the information needed to fully understand the demographic nature of the patent applicant pool. As a result, Congress cannot sufficiently craft legislation to address such disparities. Doing so would help ensure that the United States' patent system is more inclusive and reflective of our Nation's rich diversity.

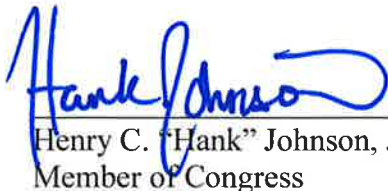
Sincerely,



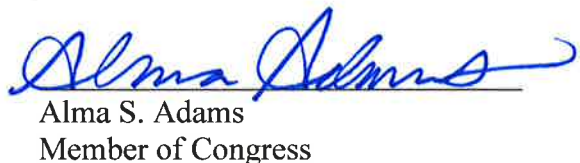
Nydia M. Velázquez
Member of Congress



Jerrold Nadler
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Alma S. Adams
Member of Congress

⁴ Pub. L. No. 112-29 § 29 (Sept. 16, 2011).