

# A patent failure

By [Sandy Rios](#) 2:58 PM 04/12/2011



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“We will make electricity so cheap that only the rich will burn candles!” said Thomas Edison in 1879 during his first public demonstration of the incandescent light bulb. And he did. Edison changed the world.

When Orville and Wilbur Wright were children, their father bought them a toy “helicopter” based on an invention by French aeronautical pioneer Alphonse Penaud. Using cork, bamboo, paper and a rubber band, it captured the Wright boys’ imaginations, and led them to the unthinkable — manned flight.

After his mother tragically lost her hearing, Alexander Graham Bell found a passion to help the deaf. In pursuit of that quest, he invented the first telephone. Who can imagine the thrill he must have felt as he accidentally spoke his first transmitted words into that crude device: “Mr. Watson! Come here, I want you!”

America has always been a country of innovators. Within thirteen years of its first patent law, America had surpassed Great Britain in its number of annual inventions, even though Great Britain had a population twice as large. By 1865, the U.S. was churning out three times as many inventions as Great Britain. We’ve never looked back.

How did this happen? According to historians, it was no accident. As the Founding Fathers studied existing patent law, they discovered statutes that gave advantage only to the wealthy, not to the small entrepreneur. So they created a unique system that inventors have enjoyed for 250 years. It’s a first-to-invent system, not a first-to-file one. The first person to invent something gets the credit, not the first one to rush to a bureaucratic office and file a piece of paper.

Now Senator Patrick Leahy and the Obama administration, along with multi-national corporations, have a better idea. They want to change our system from a first-to-invent system to a first-to-file system. Under such a system, anyone who can co-opt the ideas of an inventor and pay the cash would be able to take the credit and reap the rewards. This would hurt inventors and give large corporations — and China — a leg up.

Currently, inventors are given a grace period to perfect their inventions and try to obtain financial backing. The new bill would replace that with a European-style post-[grant](#) challenge, which would force inventors to pay \$20,000-30,000 every time they modify an invention.

The Senate has already passed the bill by an overwhelming majority. Now HR 1249, with the encouragement of companies like Intel, GE, Dell and others, has been introduced by Congressman Lamar Alexander and could be called for a vote at any time. But the voices of America's inventors are crying to be heard!

Henry R. Nothhaft, a Silicon Valley entrepreneur and [CEO](#) for more than 35 years, says, "This change will cripple job creation in the United States and lead to even more economic advancement from our overseas competitors."

The voices of Edison and Bell, Wright and Ford are crying out. Don't put a stake in the heart of American innovation and job creation. Say "no!" to this patent reform bill.

*Sandy Rios is a writer, a Fox News Contributor, the President of Culture Campaign, and a former Chicago talk show host. The former President of Concerned Women for America, she has been featured in most major television and news outlets and travelled the world from Russia to North Korea. For more [information](#) go to [www.sandyrios.com](http://www.sandyrios.com).*

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