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USPTO gets extra funds as Tessera CEO shows what top class PR can achieve

By Joff Wild

Catching up on everything that has happened over the last three weeks it looks like the big story was the [US Congress's decision](#) to allow the USPTO to spend an extra \$129 million of the money it will raise during this financial year. President Obama signed the legislation into law on 10th August. The vote came after the president had taken the [very unusual step](#) of writing to the speaker of the House of Representatives, Nancy Pelosi, urging her to back moves for extra USPTO funding as a means to "support efforts to reduce backlogs in processing patent applications -- by spurring innovation and reforming U.S. Patent and Trademark Office operations to make them more effective".

The vote was also a considerable triumph for the office's Director, [David Kappos](#), who had spent much time over the previous months making the case for more money after Congress had originally decided to restrict the USPTO's spending power [last December](#). Obama may be struggling elsewhere politically, but he does seem to realise just how important IP is to the US's economic future. Over the years, that could pay huge dividends as the Americans shape up to meet the challenges posed by China and the other emerging BRICs countries.

On a similar theme, I was also struck by the fact that the USPTO was the subject of an op-ed [in the New York Times](#), written by the recently retired chief judge of the CAFC [Paul Michel](#) and Tessera CEO [Henry Nothhaft](#). In it, the two argue that proper funding for the USPTO could be one of the keys to kick-starting the US economy:

To revitalize America's engine of entrepreneurship — and create as many as 2.5 million jobs in the next three years — Congress should, first, give the patent office a \$1 billion surge to restore it to proper functioning. This would enable the agency to upgrade its outmoded computer systems and hire and train additional examiners to deal with the threefold increase in patent applications over the past 20 years. Congress should also pass pending legislation that would prohibit any more diverting of patent fees and give the office the authority to set its own fees.

Once the patent office is back to operating effectively, the backlog of 1.2 million applications should yield, judging from history, roughly 780,000 issued patents, about 137,000 of which would go to small businesses. Then, going forward, the agency could grant an additional 88,000 patents within three years. By 2013,

small businesses would have received some 225,000 patents that they could then use to secure financing to build their businesses and hire more workers.

That's one of the biggest newspapers in the US giving prominence to the funding of what many of its writers and readers may consider to be a pretty obscure government agency.

Now you can bet your bottom dollar that the *NYT* editorial team did not wake up one day and decide that it needed a piece on the office. Instead, to get that feature published the authors and the people working with them would have pitched the idea and made clear exactly why it would resonate with the newspaper's readership. And reading through it, the angle is not hard to discern: the USPTO grants patents, which help secure funding, which help to get businesses off the ground, which employ people. What's more, these are not just claims, they are backed up with reports, statistics and case studies. As I explained in [my blog on press releases](#) back in June, this is exactly the kind of thing that editors and journalists are looking for.

It looks to me like Nothhaft has decided that it is in Tessera's interests to spend money on promoting USPTO reform, as he is also featured in [a news report](#) on the subject which ran on the national CBS news on 8th August. Once again, this piece would not have been dreamed up in the TV channel's editorial suite. Instead, I would be very surprised if it had not been developed following strong input from both Nothhaft's PR team and [Peter Pappas's](#) communications department at the USPTO. They would have fed the reporter her angle and found the people for her to talk with. It would have cost a fair bit of PR time and money, but the end product is a two and half minute piece that put the topic right into the homes of millions of Americans. That is powerful stuff.

So, please, let's not hear any more about the mainstream media not being interested in IP or being anti-IP. As the *NYT* and CBS pieces show, that is rubbish. Instead, it's time to understand that in order to get agenda-setting coverage, the IP community has to be serious and very professional about securing it. Yes, it will mean investing money on the very best PR people; and, yes, it will mean spending a good deal of time honing the message; and, yes, it will mean having to provide solid information to back up claims; but look what you get at the end of it: coverage that is worth its weight in gold.

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