

**Questions Submitted for the Record from Subcommittee Ranking Member Roby
Lost Einsteins: Lack of Diversity in Patent Inventorship and the Impact on America's Innovation
Economy**

**Answered by Dr. Ayanna Howard, Professor and Chair, School of Interactive Computing, Georgia
Institute of Technology**

Question for All Witnesses

1. What recommendations have you for the United States Patent & Trademark Office and the Small Business Administration to help promote the participation of women and minorities in entrepreneurship activities and the patent system?

My three recommendations include: 1) provide a more robust communication campaign that communicates the resources already available to assist in the patent application process, 2) expand the resources provided by the regional centers, perhaps as a partnership effort with existing regional or university incubators, in order to maximize engagement of women and minorities in entrepreneurship activities, and 3) provide a more robust pro bono patent attorney/agent program for women and minority-owned small businesses and individual inventors. For example, the requirements for qualifying for the current Patent Pro Bono Program excludes many technically-focused individuals in this target demographic based on income (i.e. given that the percentage of VC and angel funding provided to women and minority entrepreneurs is traditionally low, most technically-focused women and minorities can only start businesses after having amassed some personal financial resources to do so).

**Questions for Dr. Ayanna Howard, Professor and Chair, School of Interactive Computing, Georgia
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1. You testified that small business programs that provide funding to small businesses may prohibit the use of any of those funds to secure patent protection. Should the U.S.P.T.O. work with the Small Business Administration to identify which small business programs should be amended to allow inventors to use funds to secure patents?

Yes, the U.S.P.T.O. should work with the SBA to identify which small business programs should be amended to allow inventors to use funds to secure patents. Currently at least two of the SBIR programs (NSF and NIH) state that patent costs are not an allowable expense.

2. At what stage in a company's development does the investment in securing a patent make the biggest difference to the growth and overall health of a new business?

The investment in securing a patent makes the biggest difference in the growth and overall health when the company has, at least, a prototype built out of the invention such that they fully understand the IP associated with the invention and its advantages over the state-of-the-art. At this stage, many companies are able to start seeking investments (and grants) to transition their prototype to a commercially realizable product.