Top Five Patent Reforms

1. The most important patent reform in my opinion is to **establish subject matter categories by industry.** This issue came up in the final case where the inventor of a graphical web browser challenged any company that wanted to have an internet presence. According to Moore’s law, computer power doubles every 18 months. Because computer processing power increases so exponentially, it only makes sense that at least that patents involving computer technology should be held to less time. When the Patent Act was written, they could have not anticipated the number of fields to evolve, specifically in engineering. By establishing subject matter categories by industry with differing patentability standards and terms, different fields will have patents tailored to that actual field of study. I believe that this is the most important reform because of the acceleration of computer technology. Software should be patentable, but not for 20 years due to the ever-expanding industry.
2. **Require patentees to disclose the best mode in their specifications** is the second most important. When a patent is issued, if someone were to license that patent to someone, the licensee should know the best method used by the patentee. This does not hinder innovation, it gives licensees the best specification to the product they licensed from. The purpose of the patent system, I believe, is to foster innovation. Disclosing the best mode in the patentee’s specification allows licensees to use that specification in their own way. They are not harmed because the patentee receives money through the licensing. This is the second most important patent reform because having the best mode disclosed actually would help foster innovation. When licensees obtain the licensing rights of a patent, if they are not given the best mode then they will spend time attempting to find it instead of actually getting it. The licensee may not even find it! Not only could receiving the best mode give the licensee the rights they deserve, but that best mode could even be improved upon.
3. The third most important patent reform is to **create scientific review boards analogous to those used by funding agencies to assist patent examiners**. Due to the increasingly complex technology that is coming about, patent examiners may not be able to fully understand the patents they are reading. This came about in MSC 2, where the patent examiner was not able to fully grasp the design in the patent. Because of this, examiners that do not fully understand the technology being patented end up patenting technology they don’t understand! Scientific review boards could be efficiently used to aid them in determining what the technology in the patent actually does and if it will work as specified. This is the third most important because although not as important as giving licensees the rights they deserve, it helps the patent system perform more efficiently
4. **Narrow the doctrine of equivalents so that it reads only on bad faith, 1:1 substitutions** is the fourth most important patent reform. This doctrine has been expanded too widely to the point where very minute similarities could constitute as patent infringement. Although a patent does not fall under the exact literal claim of the patent, a slight similarity could cause an infringement as the doctrine is observed today. Unless it is a simple substitution of an aspect from a patent done on provable bad faith, a patent should not be considered infringed upon because it gives the patent holder more power than the original patent intended. This is the fourth most important because although it is important, it can be argued that stripping the patent holder of this implicit right could inhibit innovation. I believe that this does not take away from too many rights held by the patent holder, but it can be seen that way.
5. **Requiring plaintiffs to pay defendant’s and court’s costs if they lose** is the final way to improve the patent system. Patent trolls buy patents for the sole purpose of generating revenue by requiring companies to pay licensing fees. These trolls inhibit innovation, and this is a way to prevent these people from taking advantage of companies. If forced to pay for the defendant, these patent trolls will think twice before filing a suit because if they lose, then they will have to pay a much larger sum of money than earlier expected. This will cut down on companies with good intentions getting sued for patent infringement on very shaky grounds. This ranks last because although this could help, this could also encourage intentional patent infringement. This is because larger companies with better legal teams could intentionally infringe because patent holders would think twice about challenging a larger company with a strong legal team