

Hey Washington! Inventors Aren't Trolls!

By Eric Huber

San Juan Capistrano, Calif. President Obama gave Congress another push last week to crack down on "patent trolls." But as a longtime independent inventor, I'm worried about becoming collateral damage.

"Troll" is a catchy if misleading word for companies that don't manufacture anything but own patents and make money by demanding royalties. And I agree that there are some bad actors who threaten hundreds of companies with frivolous lawsuits. They're gaming the system, hoping that their targets will pay money to avoid expensive court fights.

I've never sued anyone for patent infringement, and nobody would call me a troll. But patent protection is crucial to inventors like me, and Washington is rushing ahead with bills that effectively lump us in with the bad guys.

I'm an everyday inventor. I look at the headaches of daily life and find better ways to solve them. Do you want to avoid using nasty chemicals when you clean the kitchen? I invented a [microwavable steam sponge](#) that can do the job without them. Do you wrestle with tarp covers that won't stay put when the wind blows? I invented one that adapts to whatever shape you need and doesn't have to be tied down with cords.

I have four pending patents and I've licensed 12 inventions in the past several years. I've been featured on PBS's reality show, *Everyday Edisons*. My work may sound low-tech, but inventors like me have a huge impact. Look at almost anything in your home – a thermostat, a faucet, even an egg-timer – and it's probably been re-invented in some way in the past year or two. Independent inventors are responsible for a lot of this.

The bills moving through Congress would jeopardize what we do. The House passed the so-called [Innovation Act](#) in November after only one hearing and without any testimony from inventors. The bill is intended to crack down on frivolous lawsuits – a goal I support – but it would also put legitimate inventors at a big disadvantage against deep-pocketed corporate infringers.

Here's one tiny example of how the bill spells trouble. Under current law, a company that's accused of patent infringement can challenge the patent's validity and ask the Patent and Trademark Office to investigate. But if the Patent Office confirms that the patent is valid, the company isn't allowed to get another bite at the apple.

The House bill would change that. It would allow an accused infringer to attack a patent's validity two, three or even more times if it can conjure up a new theory each time. Even a mediocre legal defense team can dig up enough arguments to drag a case out for years.

Ask yourself: Why on earth would a company license my invention if it will take years to find out whether my patent is enforceable? Why should I even bother inventing?

Lawmakers assume that a "troll" is any company that owns patents but doesn't make products – what lawyers call a "non-practicing entity." What people forget is that I'm a "non-practicing entity" too, and so are thousands of other inventors. We come up with new ideas, but we turn to other companies for manufacturing and marketing.

Trust me, no inventor wants to spend money on litigation. Even a small case can wipe out our life savings, and corporate defendants have a huge financial advantage.

But if inventors can't protect their rights in court, it will be hard to invent at all. Everybody will suffer. As Senate lawmakers take up this issue, I hope they take it slow and avoid the House's mistakes.

Eric Huber is a prolific inventor in San Juan Capistrano whose work has been featured on the PBS series "Everyday Edisons" and in numerous publications. Visit his website at www.vonhuber.com.