

David vs. Goliath

Inventor David W.R. Brown says the U.S. Patent Office has done him wrong. His crusade may be his most inventive idea yet.

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SUN CITY CENTER - David W.R. Brown is a man with a one-track mind.

For 35 years, the inventor busied it by perfecting a motor shaped like a doughnut. He patented the idea in the 1980s.

His latest passion isn't a design. It's an entire federal agency.

Brown's one-man battle against the 7,000-person U.S. Patent and Trademark Office began about five years ago, when he discovered he had lost one of his two patents. In the midst of a move from Maryland to Florida, he missed a deadline to pay the government a few thousand dollars to "maintain" his motor idea. He grew angry and bristled at the invasive process necessary to reclaim a patent.

In two years, he has filed six federal lawsuits and created a Web site dedicated to blasting the Patent Office (www.patentofficelawsuit.info) Brown, 68, has attracted more attention through his anti-patent office tirades than through his inventions.

The retired Random House manager accuses the agency of becoming mired in rules and fees that favor giant corporations.

"Lone inventors were the basis for the industrialization of America," says Brown, wearing thick glasses and a fraying knit shirt with a computer emblem. "But now the Patent Office has become unreceptive to the contributions of the lone inventor out in his garage, spending time away from his family, working to come up with a better mouse trap."

Brown says the agency should be protecting inventors and encouraging them, not crushing them with bureaucracy.

His efforts have forced the Patent Office to admit to an administrative gaffe and institute a new privacy policy that's taking quite a bit of work to implement.

To Brown, the worst cost has been thousands of hours of lost tinkering time. He says he has spent at least \$20,000 in his quest, including making the 900-mile trek between his Hillsborough County golf course community and the Patent Office in Alexandria, Va. He spent a week researching and copying heaping piles of records - at 25 cents a page - amassing them in a dozen fat white binders.

Patent Office spokesman Richard Maulsby said he doesn't know another gadfly quite like Brown.

But he insisted that the agency faces its share of public scrutiny.

"We have lots and lots of oversight," said Maulsby, citing as examples the Office of the Inspector General, inventor groups and intellectual property attorneys.

To keep patents, essentially legal monopolies on an idea, inventors must pay a maintenance fee, ranging from \$450 to \$1,900, after four, eight and 12 years of securing the patent. Brown, in the midst of moving when his fee was due, didn't have the money to cover it and assumed he could pay it later.

Brown, whose first patent was for a film-editing machine (his timing was ill-fated, it coincided with the advent of video), came to realize that those fees - which are doubled for large companies - still tripped up the tinkerers.

"Independent inventors are trying to play in the same ballpark, and it gets tougher and tougher all the time," said Carol Oldenburg of the United Inventors Association in Rochester, N.Y. The member-funded group educates amateur inventors about applying for patents.

Every year, the Patent Office revokes hundreds of patents owned by garage inventors who miss their deadlines.

Until Brown got involved, those inventors would have to submit personal information to prove they were down on their luck when the fee came due.

Brown, a Republican, didn't think the government should be privy to such information.

He sued. Without talking to an attorney. Without ever having sued before.

To prove that the Patent Office knows too much about inventors, Brown's lawsuit exhibited agency records on those who missed their deadlines. The files included death certificates, tax returns, psychiatric records and itemized hospital bills.

"And here's this poor guy Charlie (a patent lawyer) who is an alcoholic and Jerome, another alcoholic who is going to be Charlie's counselor," Brown says, flipping through one of his binders.

"Oh, and this guy shot himself in the head but he survived and he was in a mental institution. And this husband and wife used the maintenance fee money to pay for her chemotherapy."

Brown had a point. The Patent Office offered him a settlement in 2004 to resolve his lawsuits by including a privacy statement - the kind the IRS uses - on its requests for information.

"We moved very aggressively to right this situation," said Maulsby, whose agency has until Nov. 1, 2007, to include the statement on all its forms.

Patent Office employees are directed to tell inventors not to send credit card and bank account numbers or any information that could lead to identity theft. And the agency is in the process of redacting such information from its files, Maulsby said.

Brown called the settlement a "cream puff" for the government. He would have preferred to have gotten back his patent and to have reinstated lost patents for other inventors.

But his wife, Jean, couldn't stand all the legal boxes living on the sofa, chairs and even in her laundry room.

"One inventor told me I had sold my birthright for a bowl of cold porridge," Brown says with a sigh.

Brown secretly hopes the Patent Office doesn't comply, so he can sue again.

Until then, he has found time to work on perfecting the doughnut-shaped motor. He says it should require less energy than traditional motors. But he hasn't entirely given up his crusade.

Late at night, in an office covered in Albert Einstein posters, the one-man watchdog works on his Web site, where he offers advice to inventors and chronicles his experience fighting what he calls the corruption and incompetence at the Patent Office.

He can tell who views his Web site.

The No. 1 visitor? The Patent Office, he says.

In November, Brown filed a new lawsuit against the agency for charging him \$969 for records he requested under the Freedom of Information Act. Brown wants the information for free, because he says his Web site is doing a public service and should be considered a news media outlet.

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PATENTS BY THE NUMBERS

The number of patent applications received by the U.S. Patent and Trademark Office has grown steadily through the decades, according to the agency's Web site, www.uspto.gov:

1964: 92,971

1974: 108,011

1984: 120,276

1994: 206,090

2004: 382,139

Number of patents held by David W.R. Brown: 2

Number of lawsuits he has filed against the patent office: 6

Amount he says he has spent: \$20,000

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