

WHAT BROWN DID FOR INVENTORS

Lone inventor David Brown battled the PTO for a better privacy policy.

When it comes to grumbling about the Patent and Trademark Office, patent applicants typically aren't shy, but one inventor has taken his complaints to the next level. From his retirement community in Sun City Center, Florida, David Brown, a 68-year-old self-taught physicist, has launched a blitzkrieg against the PTO, filing a federal lawsuit against the agency, and starting a Web site attacking the PTO (www.patentofficelawsuit.info).

Brown, a former Random House manager, has been tinkering and inventing in his garage for 35 years. He holds two patents for a specialized film editing machine and an energy-efficient electric generator. In 1999 he missed a \$1,650 maintenance fee on the generator's patent. When he finally had the cash, the agency asked him to explain his tardiness. To prove financial hardship, Brown says, he was asked to provide 38 months of income statements and credit reports.

Brown thought that he shouldn't have to provide such sensitive information to the government and, furthermore, that the PTO didn't adequately protect private paperwork. In 2002 he flew up to Virginia and spent a week holed up in the PTO's public reading room, researching his hunch. Like himself, many inventors had missed deadlines. "If you did not pay on time because of medical problems, they required copies of all of your medical records. If you could not afford the fees at the time, they required all of your personal financial data. I'm not sure what the requirements were if your attorney failed

to remind you about the fee because he died—you probably had to send in his exhumed body," quips Brown on his site.

The PTO's files included tax returns, Social Security numbers, medical records, and credit card reports, all of which Brown dutifully copied at 25 cents a page. In November 2003, armed with 1,500 pages of such private paperwork, Brown, representing himself, sued the PTO in federal court in Tampa. Because the forms that inventors fill out to reinstate their patents did not have privacy statements, Brown alleged that the PTO was violating federal law. A year later, the litigation settled when the PTO agreed to include a privacy statement on all of its subsequent requests for information. In October 2005 the PTO instituted additional security procedures to prevent possible identity theft. Patent office employees now tell inventors not to send credit card and bank account numbers, and the agency will redact sensitive information from its records, says Richard Maulsby, the PTO's director of public affairs. Maulsby adds that there have been no known cases of identity theft from the PTO's records.

Brown says he settled the suit at his wife Jean's insistence. "[She] got tired of all the legal papers laying around the house." But the inventor-turned-litigator remains undeterred by the hassle of the lawsuits and the \$20,000 he spent on litigation. He's working on one of his latest inventions, a motor shaped like a doughnut. And he intends on patenting the idea. "This time," Brown says, "I will pay the maintenance fee." *-J.L.*