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<http://www.patenthawk.com/blog/2008/01/amberwave.html>

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AmberWave

Amberwave is an R&D firm focused on advanced materials development for high technology applications. Patents are its lifeblood; which is why Amberwave is fighting to retain semblance of sanity in the patent arena. In our continuing series on "Heroes of the Patent Wars," an Amberwave snapshot.

From the Amberwave web site:

AmberWave Systems Corporation was founded in 1998... Since the beginning, AmberWave Systems has been focused on building bridges between advanced materials science developed at leading universities and their industrial applications. AmberWave Systems continues to develop industry partnerships to explore applications of its innovations.

Besides furthering university efforts, Amberwave also conducts its own research.

"You can see why we've been so active in the patent reform efforts: This mechanism for being able to capture technology and use the patent system to transfer it from early stage to commercialism is vital," explains Bryan Lord, AmberWave General Counsel. On major provisions of the patent revision legislation:

"This really stacks the deck against the small businesses that are going to be tomorrow's innovators and today's job creators." The Lord states that the bill approaches the issues the wrong way, doing more harm than good.

Salem, New Hampshire-based Amberwave is a founding member of the Innovation Alliance, an interest group dedicated to protecting the patent system.

AmberWave Systems believes in and supports strong patent protection. Policies relating to the U.S. patent system will greatly affect our ability to continue as a technology leader in the global economy.

Last March, Lord testified before the House Committee on Small Business, eruditely reminding the crucial role small businesses play in keeping the American economy strong through patents, and that an imperfect system is working as well as can be expected.

Small firm innovation is twice as closely linked to scientific research as large firm innovation on average, and so substantially more high-tech or leading edge.

Proponents of the argument, that patents are the problem, demonize the USPTO for poor patent quality, complaining that patent litigation is out of control. Simply stated, these arguments are not supported by the facts.

Commentators have stated repeatedly that the optimal error rate at the USPTO is not zero, for at least two reasons. First, perfect screening would be immensely costly, so we might rationally tolerate a few bad patents. Second, mistakenly issued patents are not necessarily enforced; there are safety valves, notably litigation.

Lord explains the dynamics of the patent evisceration movement, and how the thrust of current patent legislation is wrongly placed. Still timely, Lord's paper provides incisive analysis of today's patent scene.

At worst, it was wasted on the chowderhead Congressmen it was presented to, who failed to stop passage of the House version of the Patent Act.

Amberwave argued against the Supreme Court obvious debacle known as KSR v. Teleflex. Amberwave also filed an amicus brief against confiscatory interpretation of patent exhaustion in the Quanta v. LG case presently before SCOTUS.