



April 27, 2021

The Honorable Mazie K. Hirono
United States Senate
109 Hart Senate Office Building
Washington, DC 20510

Dear Senator Hirono:

In advance of this week's markup, we write to express our support for the Inventor Diversity for Economic Advancement Act of 2021 (IDEA Act) (S. 632). Creating better demographic data sets about patent owners and applicants is one essential first step toward creating a more diverse, inclusive patent system.

Promoting diversity in innovation is not only the right thing to do, but it is smart economic policy. Diverse teams are known to both produce better economic results and generate better and more innovation.¹ We applaud you and your colleagues in Congress for seeking to advance these goals.

The IDEA Act reflects a necessary component of promoting diversity in the patent system. Part of understanding the problems of underrepresentation, and monitoring progress toward a solution, is being able to quantify them. We encourage Congress and the U.S. Patent and Trademark Office (PTO) to take a thoughtful approach to adopting and implementing this legislation.² And while the IDEA Act, and data collection, are necessary, of course, neither will be sufficient to dismantle the unjustified barriers underrepresented innovators routinely face.

From here, we hope Congress will consider the other actions it must take—and how it can use the PTO's data—to promote diversity in the patent system and in innovation ecosystems more broadly.

¹ See generally Matt O. Dhaiti, Jamie Dohopolski, & Phillip Malone, *Engine's Response to the Call for Comments on Expanding American Innovation*, Engine (Feb. 23, 2021), available at <https://bit.ly/2NrnfpD>.

² E.g., Colleen V. Chien, *Increasing Diversity in Innovation by Tracking Women, Minority, and Startups Innovators that Patent and Supporting Experimentation in Inclusive Innovation*, Santa Clara Univ. Legal Studies Research Paper No. 01-19 (June 30, 2019) available at <https://ssrn.com/abstract=3413805> (recommending the PTO ask applicants about their concerns over data being collected and shared, to develop policy after initial collection period); *Improving Access and Inclusivity in the Patent System: Unleashing America's Economic Engine*, Hearing Before the Subcomm. on Intellectual Property of the S. Comm. on the Judiciary, 117th Congress at 1:17:40 (2021) (testimony of Professor Lateef Mtima, Professor of Law, Howard University School of Law), available at <https://www.judiciary.senate.gov/meetings/improving-access-and-inclusivity-in-the-patent-system-unleashing-americas-economic-engine> (“There are some communities that are just fearful of what government will do with the information. Some individuals believe that the fact that the patent office is not aware of my racial identity, not aware of my ethnicity, actually works in my favor. Although that may be completely groundless, the fact of the matter is that if that is a barrier to people providing us with the information, one way to get around that is . . . an independent non-profit entity [to collect the data] . . .”).

Within the patent system, for example, Congress could expand access to PTO regional offices and pro bono assistance for those seeking high-quality patents or trademarks.

As the barriers facing underrepresented innovators and entrepreneurs are complex and reaching, we urge Congress to continue to explore a range of bold, creative solutions. And all innovators, regardless of whether they ever want or need a patent, deserve the government's attention and support. Looking beyond the patent system will be especially critical to truly supporting inclusivity in innovation, and policymakers should consider, e.g., incentivizing private investments in underrepresented founders, making direct government funding fairer and more equitable, supporting incubators and accelerators dedicated to diversity, and investing in improved retention of diverse talent in STEM careers.³

Thank you for your consideration. Engine is committed to engaging with Congress on these and other topics that are key to promoting diversity and inclusion in innovation.

Sincerely,
Engine

cc: The Honorable Members of Senate Judiciary Committee

³ *E.g.*, *supra* note 1; Letter from 113 Startups, Investors, Entrepreneurs, and Support Organizations to Janine Scianna, USPTO (Feb. 23, 2021), available at <https://www.engine.is/news/startups-push-government-on-diversity-in-innovation>.