

LEX MACHINA

November 5, 2009

Beth S. Noveck
Deputy CTO for Open Government
Office of Science and Technology Policy
Executive Office of the President
725 17th Street Room 5228
Washington, DC 20502

Dear Beth:

Per our conversation of October 23, 2009, please find attached a précis in support of the U.S. Patent and Trademark Office's RFI, "USPTO's Data Dissemination Solution" (Solicitation Number: SS-PAPT-09-10008), posted on September 4, 2009.

As you know, Professor Mark Lemley and I have been working closely together for several years to track all U.S. patent, copyright, and trademark litigation—first, at Stanford Law School, under the IP Litigation Clearinghouse project, and currently via its successor entity, Lex Machina, Inc. This initiative has helped illuminate IP litigation trends for public, academic, legal, commercial, and government users. In addition to helping the U.S. judiciary see trends on over 100,000 complex IP cases, the initiative has specifically provided policy related data to your office, the President's Special Assistant for Science, Technology, and Innovation Policy, Senate Judiciary Committee staff, and counsel to the Secretary of Commerce.

That being said, we have barely scratched the surface of "the IP question". Our goal is to create a "dashboard" on the innovation economy, in all its complexity. To do that, we must have access to raw PTO data—both patent and trademark data—not just litigation data. The attached document provides additional detail as to how we might put that data to work—creating jobs, improving IP knowledge, and helping to catalyze innovation.

Therefore, please convey Professor Lemley's and my own strong support to your friends at the PTO regarding this RFI and similar measures. We appreciate your help.

Sincerely yours,

/s/ J.H. Walker /s/

Joshua H. Walker
CEO & Chief Legal Architect
Lex Machina, Inc.

cc: Mark Lemley
Arjun Mehra

LEX MACHINA

TO: The U.S. Patent and Trademark Office (USPTO)
FROM: Lex Machina / Stanford IP Litigation Database
SUBJECT: Lex Machina Support for the USPTO's Data Dissemination Solution
(Solicitation Number: SS-PAPT-09-10008)
DATE: November 5, 2009

BACKGROUND. In 2006, Professor Mark Lemley created the IP Litigation Clearinghouse initiative to help illuminate trends and case data on U.S. IP litigation. After close to 35,000 hours of engineering, legal, and interdisciplinary work at Stanford University, the project now hosts over 100,000 IP cases (including over 25,000 patent infringement outcomes), and hundreds of millions of litigation events; for the first time making such data immediately accessible to judges, academics, attorneys, technology companies, and members of the public. Lex Machina was formed to expand upon the IPLC's public mission (as a contractor to Stanford), and commercialize advanced services for attorneys and business people. Now, we seek to apply Stanford's analytic and extraction technologies to patent prosecution and trademark data.

PROPOSED NATIONAL IP PORTAL. The addition of U.S. patent prosecution, trademark, and related data would aid Lex Machina and Stanford University in creating a national "IP portal" on the Internet—providing universal access to basic IP data, along with elite applications for judges, attorneys, and PTO officials. By applying the same data filtering technology used in the creation of the IPLC, we can help illuminate the entire life cycle of these important federal rights, increasing transparency of both IP creation and assertion processes. Improving such knowledge may improve IP case management, catalyze licensing activity, and increase administrative efficiency.

More specifically, releasing patent prosecution and trademark data will help my company build software applications specifically for innovators and entrepreneurs—in essence, creating jobs which will help create more jobs.

OFFER OF ASSISTANCE. We strongly recommend the release of as much raw PTO data as is practicable. Lex Machina is ready and willing to assist in this vital national initiative.