



**In the**  
**United States Patent and Trademark Office**  
**Request for Comments on the National Strategy for Expanding American Innovation**  
**Docket No.: PTO-P-2020-0057**  
**February 23, 2021**

The Software and Information Industry Association (SIIA) appreciates the opportunity to express its views in response to the Patent and Trademark Office (USPTO) and the National Council for Expanding American Innovation (NCEAI)'s [notice of inquiry](#) regarding diversity, equity and inclusion (DEI).

SIIA is the principal U.S. trade association for the software and digital content industries. With over 800 member companies, SIIA is the largest association of software and content publishers in the country. Our members range from start-up firms to some of the largest and most recognizable corporations in the world. The innovative companies that make up SIIA's membership rely on a healthy patent system to protect their inventions.

SIIA members are united by a shared belief that diversity, equity, and inclusion (DEI) are critical core values for society and our individual organizations. We believe achieving greater advancement in DEI is not only morally correct but will lead to more innovation: research proves diverse organizations provide better business results. Embracing a diversity of perspectives fuels innovation while connecting us closer to our customers and the communities we serve.

For too long, underlying inequalities, racial biases, and discrimination have plagued the United States and communities around the world, denying too many the ability to contribute to and reap the benefits of the innovation economy. Removing these barriers to elevate opportunities for all individuals to participate will lead to increased innovation.

As business leaders, our members recognize our responsibility to contribute to the betterment of society not only through the information, products, and services we provide but also as good citizens. This means promoting a workplace culture that welcomes a diversity of ethnicity, gender, identity, nation of origin, and thought. We also recognize that while DEI is rooted in the need to address historic social inequities, we strive to create workplaces that reflect the communities in which we work, live, and serve our customers and where everyone feels empowered to bring the full range of their experience to their work. Alone we are smart, but together we are genius.

The patent system is not immune from those larger forces. The creation of a patentable invention is the result of a long process that begins well before claims are filed with the Office. Part of improving the innovation ecosystem involves increasing diversity in STEM programs, which is a priority of our membership. SIIA has hosted both virtual and in-person sessions to help companies plan the development of a more inclusive and equitable workplace as well as how to approach the creation of tools that can serve a diverse customer base. For example, we have hosted all-day seminars on accessibility for education technology companies bringing together government officials, advocates, and industry to help companies understand how to conform to federal accessibility laws as they build educational technology products.

With respect to the patent system itself, those who see themselves reflected in innovation's successes will be more ready to dedicate themselves to its pursuit. Our members create some of the most advanced and innovative platforms, software, databases, and interactive publications in the world. Their innovations occur through collaboration, not solitude. In many cases (and for a variety of reasons), the lead, named inventor on a patent has a team standing behind them, some of whom might remain unjustly veiled. The PTO may also wish to examine whether its own processes had evidence of implicit or structural bias, for example if inventor name or attorneys or agents had some effect in the outcome--much the same way that agencies test for bias in housing and other public accommodations.<sup>1</sup>

We encourage and applaud the PTO's efforts to raise the recognition of historically underrepresented or marginalized groups' contribution and influence on innovation.

Thank you for considering our views.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher A. Mohr". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher A. Mohr

Vice President for Intellectual Property and  
General Counsel

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<sup>1</sup> Cf. Colleen Chen, Increasing Diversity in Innovation By Tracking Women, Minority, and Startups Innovators that Patent and Supporting Experimentation in Inclusive Innovation at 5-8 (noting lower grant rates for female patent applicants), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3413805](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3413805).