

An email-discussion between Blaise Mouttet (USPTO) and Erich Bieramperl (inventor) about the recent [peer-to-patent-project](#) (see: <http://dotank.nyls.edu/communitypatent/>)

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04. Juni 2006 14:50  
Erich Bieramperl wrote:

Dear Sir,

I am Erich Bieramperl, a small Austrian inventor and holder of some US-patents.

I heard of an USPTO experiment: Involving the internet community into the patent proof and review process (regarding prior art, PHOSITA and so on).

My opinion is: Its too late. In wide fields (electronics, IT, computer-implemented concepts, biotech etc) the patent system is indeed broken. It cannot be resurrected by the help of the internet community.

The ONLY way possible IMO is as follows: re-instate old patentees (1970 - 1990) who invented the base technologies. Put them into the former legal position, let them file new applications based on their old patent claims, and encourage them giving licenses to the industry. Dont laugh:

Those patentees were mostly small inventors, and NO global players like Apple, Amazon, Microsoft, Philips, Sony and others. Often their patents got stolen, the inventors got fooled and deceived.

Its high time to reinstate these inventors and to give them the legal power necessary to renew the product-protection system all around the world.

If it not happens, the entire industry and economy system will tumble down. The new economy did it 2000, it will do it again soon, and the old economy will follow.

With kind regards  
(and the hope to hear from your side)

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05. Juni 2006 03:42

Blaise Mouttet answered:

**What exactly do you mean by "reinstate old patentees"? Are you referring to extending US patent terms beyond twenty years from the filing date? I'm not sure how that could possibly help promote innovation which is what the US patent system was designed for. I'm in favour of peer-to-patent and related initiatives because they would seem helpful to extend public awareness of the realities of the patent system. It seems to me that patent attorneys currently have too much influence on how the system is regulated and the large increase in filing rates seems due to the self-interested actions of patent attorneys (writing overly broad initial claims, filing excessive continuations, etc.). If the public becomes more aware these bad practices may soon be discouraged.**

**-Blaise**

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05. Juni 2006 11:13

Erich Bieramperl wrote:

**Dear Mr. Mouttet,**

**many thanks for your answer.**

**Let me point out again, please (sorry, English is not my native language, and so I will always write only a short statement; it takes too much time to write a novel;-)**

**First:**

**Why is the patent system broken? The answer is simple.**

**The system is broken through exhausting-phenomenons. In many technological fields we border on limitations, barriers and ceilings nobody ever will be able to overcome or excel, since there are mathematical/logical limitations, not man-made. (Same as Goedels Incompleteness-theorem, for example).**

**I tell you one example:**

**1) - There will never be invented a technology smarter than digital time data acquisition via sensors.**

**Not now, not in 10 years, not in 10 000 years.**

**(Nowadays, 90% of all IT-inventions are using this technology).**

**2) - There will never be invented a technology smarter than**

**autocovariance analysis (same happens in our brain!). see, e.g.**

<http://www.sensortime.com/time-e.html> (US 6172941)

Not now, not in 10 years, not in 10 000 years.

3).. I could set forth with many, many examples....

So, let me explain once more:

It makes no difference whether a patent attorney writes a broad initial patent claim, or a narrow initial patent claim, - if the base technology is always the same.

Fact is: "smart" products cannot be protected, and the Hitech-industries in the western hemisphere (USA, Europe, Japan etc.) will suffer under insufficient patentability more and more.

This fact is the reason why I would favor a reform-process that reinstates the "old" patentees (of the seventies and eighties) into the former legal position, by extending their patent rights on their base inventions and core-patents UNLIMITED.

The USPTO should EVALUATE the importance and worth of those patents, they should judge all old patents once more thoroughly, and they should publish a list of those important patents online in the internet.

Most patentees were mostly small inventors, and NO global players like Apple, Amazon, Microsoft, Philips, Sony and others, and often their patents got stolen; the inventors got fooled and betrayed. The US-administration and the courts should investigate what really had happened. Promptly please.

With kind regards  
(hope to hear from your side again)

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06. Juni 2006 02:27  
Blaise Mouttet answered:

I strongly disagree that an upper limit to technology is even close to being reached. For example, reconfigurable molecular electronics, an emerging field being pioneered at Hewlett-Packard and others, is offering capabilities in pattern recognition and neural networks beyond what any prior technologies have achieved. Also the emergence of new materials (electroluminescent polymers, quantum dot films, etc.) is enabling a new

**generation of flexible electronics, sensors, and displays beyond what has been achieved before.**

**Also, I am well versed in the background of the inventions of many small inventors such as Farnsworth (electronic television) and Gould (laser). No one "stole" these inventors inventions. The problems these inventors faced was mainly due to their lack of understanding of the patent process. More savvy independent inventors avoid such mistakes and in some cases (such as Lemelson) actually exploit the system.**

**I also disagree with your statements to the effect that large corporations do not come up with fundamentally innovative technologies. IBM developed the atomic force microscope, a groundbreaking tool for nanoscale research. Texas Instruments developed the integrated circuit which revolutionized electronics. Without the support and research and development provided by these and other large corporations scientific and technical development would go nowhere beyond the mind of a few inspired individuals.**

**-Blaise**

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06. Juni 2006 22:27  
Erich Bieramperl wrote:

**Dear Mr. Mouttet,**

**many thanks for your answer.**

**I know it would be a hard work to convince you. But time will tell.**

**I never `d doubt the fact of sufficient patentability and innovation in fields of nano-technology, molecular technology, metallurgy, polymers, fine mechanics, bio- and gen-technology etc. But these fields are relatively small, compared to the others. And besides, the technological results in these branches are often controversial. Customers often reject nanotech or gentech products. Sometimes nobody knows subsequent complications or impacts on the environment.**

**The problem I see, is, that the (patentable) advance in these branches cannot compensate the loss of patentability and monopolibility in the more important computer-, robotics-, IT- and other electronic-related branches.**

**Note: The present turbo-capitalistic economy (better called: debitism) needs too much "PATENTABLE technological advance per time-unit" to survive. If the patent offices are not able to provide enough strong, worthy, incontestable and unappealingly core-patents promptly(!) -, then the western economy cannot grow enough; though globalization. Result:**

**unemployment, stagnant stock markets (Nasdaq), crime and depression, and youth without future; though high degrees and education.**

**The modern concept of debitism and monetary economics bases on the technological advance of the late 20th century, which was characterized by innovation of high novelty and inventiveness. An example: The evolution of recording systems. Or TV, or mobile phone, or computers....**

**But what has happened in the last decade?**

**A wearable CD-Player - which base-technology many researchers and engineers had developed under greatest efforts years before - had cost in the year 2000 the price of about two portions steak in a fine restaurant, say 40 dollars. And now, in 2006: You can buy it for 10 dollars! Reason for this decay: Too less improvability, too less patentability. The old patents (e.g. Philips) had expired, the western industry sourced the production out to Far East.**

**The subsequent following chip-recorder bases on pure semiconductor technology and digital time data acquisition (MP3, MPEG4), and has NO patentable technology feature anymore. Because there is no - and there will be no - such an "improvement" that deserves the term "invention" . Not today, and not in future. All products base on the same core-technology (invented already in the 70ies!) and show the same technical characteristics - now, in 10 years, and in 1000 years too. It does not make any difference, if you minimize the size of such a product. You can place it between the synapses of your brain or elsewhere: it will always measure, store and play time-domain data, and will not perform or do anything beyond. Therefore: too less improvability, too less patentability, too less monopolibility. Infinitely.**

**This is reason why I would prefer a "patent-reform" that reinstates the "old" patentees (of the seventies and eighties) into the former legal position, by extending their patent rights on their base inventions and core-patents unlimitedly. The trial of the US Supreme Court to extend the patent protection from hardware to pure software concepts (see Diamond vs Dier 1981) in order to prevent inpatentability, is IMO one of the biggest mistakes ever made. It was only excelled by patents on business methods;-)**

**Finally to the fooling-, stealing- & deceiving-problems.**

**Every "global player" or large corporations has teams of developers. A team, outed as "inventors" of a certain invention in a certain patent, may not be identical with the actual inventor. Often they are privileged in the hierarchy, and that's the reason for their entry. In some cases, the actual inventor is the customer himself, who purchased the development of a certain product, and who submitted an accurate specification to the corporation how to perform this new product. The "oath of declaration" does not hinder the**

corporation to submit false informations to the pat-office.

I personally know a company in Austria, whose part-owner and manager, in this way, received more than 7000 patents all around the planet. In each of all 7000 patent documents the name of the boss became filed as "co-inventor" AND as "assignee". An absolut world record.

I was employee in that firm between 1964 and 1986. I never received any cent for own inventions for this company. Before I left that firm, I made an own important invention (US 4245334; device for measuring & indicating the time between first & second airborne signals) and applied for a patent in USA and some European countries.

The following years were horrible. You cannot imagine the shock I suffered. At first, my Austrian patent attorney deceived me. He withdrew the extreme important original patent claim 1) without my agreement and without any need (I dont know until today whether this claim maybe had been sold to any interested groups or not?!). Besides, he eliminated an important drawing in the patent description without notice to me; and later, he did his best so that I couldn` t get a patent on my invention in Germany. I am sure he had been paid by certain persons for this "service"...

The patent attorney died; I cannot ask him anymore.

Next: I received letters from interested US-persons who wanted to buy licences or patent rights. I got no support from side of said patent attorney, in contrary. He recommended to establish no contact to US-people regarding said patent. Same happened when I asked a civil attorney to help me to prepare a license contract for that interested US-partner who offered a partnership to me. There was no chance to get support in Austria. Meanwhile my patent became cited and quoted in many other US-patents, even in a NASA-patent. This happened between 1981 and 1984.

Next: after I successfully developed and built many prototypes, I tried to get financial support through Austrian research- and development fonds, and inventors agencies. They fooled and deceived me in a way nobody can imagine. They promised a financial support of 1 million US-dollar for research, development and marketing works, and for founding an own firm called "SENSOR TIMING GmbH."

Days after contacting said inventors agency, unidentified men intruded into our dwelling, searching for documents and drawings. Weeks later, they broke into my car and stole important pictures of some prototypes I had built. My phone got monitored. Police and other (unidentifiable) persons followed me by cars. And even my dwelling (apartment) got monitored.

**On that day when I founded my own firm, somebody shot on my car when I rode to Vienna.**

**I have TRUE WITNESSES. My own wife is my best witness that all these things really happened!**

**After I'd left my former employer and had founded my own company, the mentioned inventors-agency disappeared and its crew too. I never got the money;-)**

**Now I sat alone in my own firm, in the need for money. Further efforts to rise money for exploiting my patents, for developing important new inventions, and for filing new patent applications, were all in vain.**

**The next bang happened when I tried to get an "industry-license" here in Austria. The request got refused;-) The "argumentation" was: Refusal, because not me ("the inventor") but my company (which is not the "inventor") filed the request...**

**So my new-founded firm was actually "illegal", but I had to pay taxes of all sorts. During 1988 and 1998 me and my family suffered under extreme poorness, while I discovered patent-infringing products, units and systems day by day. I had got no money to sue any firm. In contrary, I had to do my best to survive these terrible years. In 1998, I got an unexpected inheritance, and as gratitude to God, who helped my family and me to survive, I made a new important invention and applied for a new [US-patent \(US6172941\)](#). This is the first patent ever granted by the USPTO containing the [divine name JHWH in the description](#)...**

**This is my "odd", but true and sad story. My former employer threatened by means of his attorney not to publish something. They threatened with "hard measures" against me.**

**All, what I can say finally, is the following:**

**What happened to me was NO ACCIDENT. This had been put on stage to eliminate my person, my inventions and my patents. In co-operation with the Austrian administration. I wrote a mail to the US-embassy to help me to investigate and research the occurrences, because the damages are very high (I think more than 1 billion US-dollar). But in vain.**

**If you know an US-attorney who possibly would be ready to help me in this case, please tell me.**

**With kind regards  
(hoping to hear from your side again)**

**Erich Bieramperl**

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Sie sind der Besucher Nr: **061635**