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**Via the Submission Form for Comments Regarding the USPTO's  
new Southeast Regional Office and Community Outreach Office  
Locations under the Unleashing American Innovators Act of  
2022 (UAIA), Docket No. PTO-C-2023-0022**

Honorable Katherine K. Vidal  
Under Secretary of Commerce for Intellectual Property and Director of  
the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Brunswick, Maine for the Northern New England Community  
Outreach Office

Dear Under Secretary Vidal,

Thank you for the opportunity to respond to the USPTO's Request  
for Comments on Southeast Region Office and Community Outreach  
Office Locations and the Specific Request for Comments: Location of the  
Northern New England Community Outreach Office, published at 88  
Fed. Reg. 38,847, 38,849 (June 14, 2023).

I am the managing member and sole practitioner of McNish  
PLLC, a Maine law firm that serves petitioners and patent owners in  
Patent Trial and Appeal Board proceedings and Federal Circuit  
appeals.<sup>1</sup> Though I have a virtual office in Portland, Maine, I live in  
and mainly work from Brunswick, Maine—which is an ideal location for  
the forthcoming Northern New England Community Outreach Office.  
Indeed, Brunswick Landing, the redeveloped home of the former Naval  
Air Station Brunswick, is “Maine’s Center for Innovation.”<sup>2</sup>

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<sup>1</sup> McNish PLLC, <https://www.mcnishpllc.com/> (last visited July 17, 2023).

<sup>2</sup> Midcoast Regional Redevelopment Authority, Brunswick Landing: Maine’s Center for Innovation, <https://mrra.us/brunswick-landing/> (last visited July 17, 2023).



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Section I of these comments will address why Brunswick, Maine satisfies the Unleashing American Innovators Act's statutory location preferences. 88 Fed. Reg. at 38,848. Section II will address why Brunswick, Maine is an ideal location for the NNECOO. *Id.* at 38,849. That section will discuss Brunswick, Maine's concentration of research and IP-intensive industries; its availability and concentration of existing business development resources; and the overall geographic diversity of office locations. *Id.* at 38,848. Section II will also discuss the community organizations and businesses in and near Brunswick, Maine that could complement the NNECOO's mission of providing intellectual property education and promoting the career benefits of innovation and entrepreneurship. *Id.* at 38,849. These comments conclude with disclaimers in Section III.

## **I. Brunswick, Maine qualifies a preferred location under the UAIA's site selection criteria.**

The UAIA and the Request for Comments state that "the Office must give preference to locations" where:

- *NNECOO1*: There is at least one private institution of higher education and at least one public institution of higher education;
- *NNECOO2*: There are no more than 15 registered patent attorneys based on information from the USPTO's Office of Enrollment and Discipline; and
- *NNECOO3*: According to data from the 2012 Survey of Business Owners conducted by the U.S. Census Bureau, less than 45% of the firms are owned by women, minorities, or veterans.

88 Fed. Reg. at 38,848.

Brunswick, Maine, ZIP Code 04011, satisfies all three criteria, so it qualifies as a preferred location under the UAIA. I address each criterion below.



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**A. NNECOO1: Brunswick, Maine has at least one private institution of higher education and at least one public institution of higher education.**

***Private Institution of Higher Education: Bowdoin College.***

Brunswick, Maine is home to Bowdoin College. Founded in 1794, the private liberal-arts college has a current enrollment of 1,805 students.<sup>3</sup> Among other programs, Bowdoin offers degrees in biochemistry, biology, chemistry, computer science, digital and computational studies, earth and oceanographic science, environmental studies, mathematics, neuroscience, and physics.<sup>4</sup> It also offers a dual-degree program in which students can earn a Bowdoin physics degree and an engineering degree from one of several leading engineering schools.<sup>5</sup> Bowdoin’s faculty includes one of the world’s leading experts on the history of intellectual property and innovation: Prof. Zorina Khan.<sup>6</sup> And while Bowdoin’s alumni “work in well-known companies like Google, Apple, Facebook, Microsoft, Pinterest, Airbnb, Amazon, Okta, Salesforce, and more,” “[t]hey’re also entrepreneurs who establish and work for smaller companies and startups.”<sup>7</sup>

***Public Institutions of Higher Education: Southern Maine Community College and the University of Maine at Augusta Brunswick Center.***

Brunswick, Maine is home to both Southern Maine Community College’s Midcoast Campus and the University of Maine at Augusta Brunswick Center. Both sit in Brunswick Landing.

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<sup>3</sup> Bowdoin College, About, <https://www.bowdoin.edu/about/index.html> (last visited July 17, 2023).

<sup>4</sup> Bowdoin College, Departments and Programs, <https://www.bowdoin.edu/academics/departments-and-programs/index.html> (last visited July 17, 2023).

<sup>5</sup> Bowdoin College, Department of Physics and Astronomy, Engineering, <https://www.bowdoin.edu/physics/engineering/index.html> (last visited July 17, 2023).

<sup>6</sup> Bowdoin College, Economist Zorina Khan Wins “Outstanding Book” Prize—Again, <https://www.bowdoin.edu/news/2022/09/economist-zorina-khan-honored-for-outstanding-bookagain.html> (last visited July 17, 2023); Bowdoin College, Prof. Zorina Khan, <https://www.bowdoin.edu/profiles/faculty/bkhan/> (last visited July 17, 2023).

<sup>7</sup> Bowdoin College, Career Exploration and Development, Technology Careers, <https://www.bowdoin.edu/cxd/careers/technology.html> (last visited July 17, 2023).



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Southern Maine Community College is “Maine’s largest, oldest and most diverse community college with nearly 6,000 students, over 40 degree programs, 2 campuses and 7 satellite locations.”<sup>8</sup> Among other academic offerings, it provides degree and certificate programs in automotive technology; biotechnology; cardiovascular technology; computer science; construction technology; cybersecurity; electrical engineering technologies; electrician technology; fire science; heating, air conditioning, and refrigeration; health sciences; horticulture; information technology; marine science; nursing; plumbing; pre-engineering; precision machining and manufacturing; radiography; respiratory therapy; surgical technology; trade and technical occupations; and water treatment technology.<sup>9</sup> Students can earn a degree in business administration, liberal studies, or nursing at the Midcoast Campus in Brunswick, or they can take core courses at the Midcoast Campus and finish their degree at the South Portland Campus.<sup>10</sup>

The University of Maine at Augusta Brunswick Center “provide[s] local access to more than 60 university degree and certificate programs” through the University of Maine at Augusta.<sup>11</sup> “Courses are taught by faculty onsite, online, and via web videoconferencing (distance synchronous).”<sup>12</sup> Among other degree and certificate programs on offer, UMA offers bachelor’s degree programs in applied science, computer information systems, cybersecurity, and data science, among other fields.<sup>13</sup> Students can also obtain a master’s degree in cybersecurity.<sup>14</sup>

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<sup>8</sup> Southern Maine Community College, <https://www.smccme.edu/> (mouse over “About SMCC”) (last visited July 17, 2023).

<sup>9</sup> Southern Maine Community College, Degree Programs List, <https://www.smccme.edu/academics/degree-programs/degree-programs-alpha/> (last visited July 17, 2023).

<sup>10</sup> Southern Maine Community College, Midcoast Campus, <https://www.smccme.edu/midcoast-campus/academic-offerings/> (last visited July 17, 2023).

<sup>11</sup> University of Maine at Augusta, About UMA Brunswick, <https://www.uma.edu/locations/brunswick/about/> (last visited July 17, 2023).

<sup>12</sup> *Id.*

<sup>13</sup> University of Maine at Augusta, Majors, Minors, & Certificates, <https://www.uma.edu/academics/programs/all/> (Baccalaureate tab) (last visited July 17, 2023).

<sup>14</sup> University of Maine at Augusta, Majors, Minors, & Certificates, <https://www.uma.edu/academics/programs/all/> (Graduate Level tab) (last visited July 17, 2023).



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Brunswick, Maine also sits near several other institutions of higher education:

<b>Institution of Higher Education</b>	<b>Location(s)</b>	<b>Private / Public</b>
Bates College <a href="https://www.bates.edu/">https://www.bates.edu/</a>	Lewiston, Maine	Private
Central Maine Community College <a href="https://www.cmcc.edu/">https://www.cmcc.edu/</a>	Auburn, Maine	Public
Colby College <a href="https://www.colby.edu/">https://www.colby.edu/</a>	Waterville, Maine	Private
The Roux Institute at Northeastern University <a href="https://roux.northeastern.edu/">https://roux.northeastern.edu/</a>	Portland, Maine	Private
Southern Maine Community College (South Portland Campus) <a href="https://www.smccme.edu/">https://www.smccme.edu/</a>	South Portland, Maine	Public
University of Maine at Augusta <a href="https://www.uma.edu/">https://www.uma.edu/</a>	Augusta, Maine	Public
University of Maine School of Law <a href="https://mainelaw.maine.edu/">https://mainelaw.maine.edu/</a>	Portland, Maine	Public
University of Southern Maine <a href="https://usm.maine.edu/">https://usm.maine.edu/</a>	Portland and Gorham, Maine	Public

Colby College is the furthest away with an estimated driving time of about one hour; the rest are within a 45-minute drive.<sup>15</sup>

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<sup>15</sup> Driving times are estimated based on personal experience and Google Maps' driving directions.



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**B. NNECOO2: Brunswick, Maine has fewer than fifteen registered patent attorneys based on information from the USPTO’s Office of Enrollment and Discipline.**

As of July 17, 2023, the online records of the USPTO’s Office of Enrollment and Discipline list one patent agent with an address in Brunswick, Maine. Counting me as a registered patent attorney in Brunswick gives it two registered patent practitioners. Either way, Brunswick has fewer than fifteen registered patent practitioners.

That is not to say that there are no registered practitioners in the area. But no single location in Maine as a whole or in Cumberland County, Maine (where Brunswick sits) has more than fifteen registered patent practitioners according to the records of the Office of Enrollment and Discipline. Portland has the most registered patent practitioners of any single location in Maine: twelve, of which ten are attorneys (including me) and two are agents. As for the rest of Cumberland County, Westbrook has two attorneys and two agents; Falmouth, Scarborough, South Portland, and Windham have two attorneys each; Raymond has one attorney; and Standish has one agent.

**C. NNECOO3: According to data from the 2012 Survey of Business Owners conducted by the U.S. Census Bureau, less than 45% of the firms in the area where Brunswick, Maine is located are owned by women, minorities, or veterans.**

Brunswick, Maine sits in Cumberland County, Maine and Portland-South Portland, Maine Metropolitan Area.<sup>16</sup> Data from the U.S. Census Bureau’s 2012 Survey of Business Owners shows that both locations are locations where less than 45% of the firms are owned by women, minorities, or veterans.

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<sup>16</sup> See Office of Management and Budget Bulletin No. 20-01, <https://www.whitehouse.gov/wp-content/uploads/2020/03/Bulletin-20-01.pdf>, at 63 (March 6, 2020) (stating that Cumberland County, where Brunswick sits, belongs to the Portland-South Portland, ME Metropolitan Statistical Area).



Before proceeding further, I need to state some assumptions and offer some caveats about the demographic statistics presented.

*First*, I have assumed that the demographics of firm owners in Cumberland County, Maine (as a whole) and the Portland-South Portland Metropolitan Area (as a whole) track the demographics of firm owners in Brunswick, Maine. While I could not locate data specific to Brunswick, Maine, I am unaware of any evidence suggesting that the demographics of Brunswick, Maine firm owners would materially differ from those of firm owners in Cumberland County, Maine (as a whole) or the Portland-South Portland Metropolitan Area (as a whole).

*Second*, given the criterion’s disjunctive wording—“less than 45% of the firms are owned by women, minorities, or veterans”—I have not sought to account for firms that may have more than one relevant demographic characteristic—*e.g.*, firms that are more than one of women-owned, minority-owned, or veteran-owned. The denominator for each of the percentages presented below is the number of surveyed firms classifiable by gender, ethnicity, and other demographics. The statistics do not address firms that were surveyed but that were not classified by gender, ethnicity, or other demographics.

All of that said, a table with percentages for the relevant demographics appears below. The **Appendix** provides detailed backup.

Survey Area Encompassing Brunswick, Maine	% Partly or Wholly Women-Owned Firms	% Partly or Wholly Minority-Owned Firms	% Partly or Wholly Veteran-Owned Firms
Cumberland County, Maine	41.7%	4.7%	13.4%
Portland – South Portland, Maine Metropolitan Area	42.2%	4.1%	14.0%

Each of those percentages is under the 45% preference threshold.



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To recap why Brunswick, Maine qualifies as a preferred location for the NNECOO:

- Brunswick, Maine has at least one private institution of higher education (Bowdoin College) and at least one public institution of higher education (Southern Maine Community College and the University of Maine at Augusta Brunswick Center).
- Brunswick, Maine has fewer than fifteen registered patent practitioners according to the records of the USPTO’s Office of Enrollment and Discipline.
- According to data from the 2012 Survey of Business Owners conducted by the U.S. Census Bureau, less than 45% of the firms in the area where Brunswick, Maine is located are owned by women, minorities, or veterans.

Brunswick, Maine is thus a preferred location for the NNECOO. And with a robust innovation and entrepreneurship ecosystem in place and a central location that makes it well-suited to serve innovators throughout Northern New England, Brunswick, Maine is more than a preferred location—it is an ideal location for the NNECOO.

## **II. Brunswick, Maine is an ideal location for the NNECOO.**

### **A. Brunswick, Maine is home to “Maine’s Center for Innovation.”**

The Midcoast Regional Redevelopment Authority has redeveloped the former Naval Air Station Brunswick as Brunswick Landing—“Maine’s Center for Innovation”<sup>17</sup> and a hub for research- and IP-intensive industries. Its campus “is optimized for composites and advanced materials, light manufacturing, aviation/aerospace, biotech/biomed, information technology, and renewable energy

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<sup>17</sup> Midcoast Regional Redevelopment Authority, Brunswick Landing: Maine’s Center for Innovation, <https://mrra.us/brunswick-landing/> (last visited July 17, 2023).





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businesses.”<sup>18</sup> TechPlace, Brunswick Landing’s Technology Accelerator, hosts more than two dozen early-growth-stage firms in industries ranging from aviation manufacturing to cloud computing to soil science to sustainable aquaculture to veterinary immuno-oncology.<sup>19</sup> Brunswick Landing is also the home of bluShift Aerospace, which developed the world’s first commercial rocket powered by carbon-neutral biofuel.<sup>20</sup> bluShift Aerospace currently offers suborbital launch services for commercial payloads and plans to offer orbital launch services for commercial payloads beginning in 2024.<sup>21</sup>

## **B. Brunswick, Maine and the surrounding areas offer extensive business development resources for innovators and entrepreneurs.**

Brunswick, Maine is home to TechPlace, the Maine Technology Institute, Coastal Enterprises, Inc., which each provide business development resources for innovators and entrepreneurs.

### ***TechPlace***

The TechPlace technology accelerator and manufacturing business incubator in Brunswick Landing “supports the business development needs of early stage companies in a shared workspace,”<sup>22</sup> including the companies discussed above in **Section II.A.**<sup>23</sup> TechPlace “gives entrepreneurs a place to network with other innovators, research and develop ideas, build prototypes, test products, assemble, grow, learn, and become successful manufacturing and technology companies.”<sup>24</sup> To support those early-stage companies, TechPlace offers co-working office space, a co-working manufacturing / prototype lab, warehousing,

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<sup>18</sup> *Id.*

<sup>19</sup> TechPlace, TechPlace Businesses, Our current business lineup, <https://techplacemaine.us/techplace-businesses/> (last visited July 17, 2023).

<sup>20</sup> bluShift Aerospace, <https://www.blushiftaerospace.com/> (last visited July 17, 2023).

<sup>21</sup> *Id.*

<sup>22</sup> TechPlace, Benefits of Locating at TechPlace, <https://techplacemaine.us/about-us/benefits-of-locating-at-techplace/> (last visited July 17, 2023).

<sup>23</sup> TechPlace, TechPlace Businesses, Our current business lineup, <https://techplacemaine.us/techplace-businesses/> (last visited July 17, 2023).

<sup>24</sup> TechPlace, <https://techplacemaine.us/> (last visited July 17, 2023).



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private office / shop space, shared administrative equipment, VTC conferencing, and access to support programs and networks.<sup>25</sup>

### ***Maine Technology Institute***

Also based in Brunswick Landing, MTI is a private, nonprofit organization created and funded by the State of Maine to offer grants, loans, equity investments, and services to support Maine’s innovation economy.<sup>26</sup> MTI invests in seven technology sectors targeted by the State of Maine: biotechnology; composites and advanced materials; environment technologies; forest products and agriculture; information technology; marine technology and aquaculture; and precision manufacturing.<sup>27</sup> It invests in those targeted sectors “with a focus on growing and strengthening clusters of activity that include supporting expansion of research and development; expanding the workforce, particularly those with graduate training within each sector; supporting creation of new firms; and linking to networks and alliances for financing and product development.”<sup>28</sup>

MTI’s success stories are many.<sup>29</sup> One of its biggest success stories is Covetrus, “a global business that provides products, services, and technology to veterinarians so they can run their practice and deliver care more effectively.”<sup>30</sup> When Covetrus first approached MTI in 2008, it had only two employees: the two founders.<sup>31</sup> MTI provided early-stage funding and a critical validation of Covetrus’ innovation solution in 2008, then awarded small grants and a loan before taking an equity position in 2012.<sup>32</sup> After early success—which generated jobs

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<sup>25</sup> TechPlace, Benefits of Locating at TechPlace, <https://techplacemaine.us/about-us/benefits-of-locating-at-techplace/> (last visited July 17, 2023).

<sup>26</sup> Maine Technology Institute, FAQ, <https://www.mainetechnology.org/faq/> (last visited July 17, 2023).

<sup>27</sup> Maine Technology Institute, Technology Sectors, <https://www.mainetechnology.org/who-is-mti/technology-sectors/> (last visited July 17, 2023).

<sup>28</sup> *Id.*

<sup>29</sup> Maine Technology Institute, Success Stories, <https://www.mainetechnology.org/mti-impact/success-stories/> (last visited July 17, 2023).

<sup>30</sup> Maine Technology Institute, Covetrus, <https://www.mainetechnology.org/mti-impact/success-stories/covetrus/> (last visited July 17, 2023).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*



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and tax revenues for Mainers and funds for MTI to reinvest in other companies—Covetrus received a \$9 million grant from the Maine Technology Asset Fund 2.0 program to build a new corporate facility in Portland, Maine.<sup>33</sup> Today, Covetrus has more than 5,700 employees spread across 19 countries, with 100,000 customers worldwide.<sup>34</sup> Other MTI success stories include bluShift Aerospace, discussed above;<sup>35</sup> Marin Skincare, which developed skin treatments from Maine lobster glycoproteins;<sup>36</sup> and pumpspotting, a community-driven software-as-a-service platform that supports new mothers at home and work.<sup>37</sup>

### ***Coastal Enterprises, Inc.***

With an office in downtown Brunswick, Maine, Coastal Enterprises, Inc. “is a nonprofit, 501(c)3 community development financial institution (CDFI) founded in 1977 with a mission to build a just, vibrant and climate-resilient future for people and communities in Maine and rural regions by integrating finance, business expertise and policy solutions in ways that make the economy work more equitably.”<sup>38</sup> It provides business and project financing at all stages of the business lifecycle.<sup>39</sup> It also provides advice and support to innovators and entrepreneurs: “Through one-on-one consultation, training, workshops, seminars, peer networks and other services, CEI helps individuals across the state get the information they need to start or expand their business.”<sup>40</sup> And “[i]n addition to providing general business assistance, CEI has programs for women; marine-related businesses; farms; ag and food businesses; and refugees and immigrants.”<sup>41</sup>

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<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> Maine Technology Institute, bluShift Aerospace, <https://www.mainetechnology.org/mti-impact/success-stories/blushift-aerospace/> (last visited July 17, 2023).

<sup>36</sup> Maine Technology Institute, Marin Skincare, <https://www.mainetechnology.org/mti-impact/success-stories/marin-skincare/> (last visited July 17, 2023).

<sup>37</sup> Maine Technology Institute, pumpspotting, <https://www.mainetechnology.org/mti-impact/success-stories/pumpspotting/> (last visited July 17, 2023).

<sup>38</sup> Coastal Enterprises, Inc., About, <https://www.ceimaine.org/about/> (last visited July 17, 2023).

<sup>39</sup> Coastal Enterprises, Inc., Financing, <https://www.ceimaine.org/financing/> (last visited July 17, 2023).

<sup>40</sup> Coastal Enterprises, Inc., Advising, <https://www.ceimaine.org/advising/> (last visited July 17, 2023).

<sup>41</sup> *Id.*



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Other organizations near Brunswick, Maine also provide business development resources for innovators and entrepreneurs. Those organizations, presented in alphabetical order below, include:

### ***BioME***

BioME, the Bioscience Association of Maine, is based in Portland, Maine.<sup>42</sup> A “network of innovative life science companies, professionals and researchers in Maine,” its mission “is to advance economic growth and opportunities in the life sciences community of Maine by allocating equal involvement in advocacy, education, economic development, workforce development, and out-of-state business attraction.”<sup>43</sup>

### ***Dirigo Labs***

Based in Waterville, Maine,<sup>44</sup> Dirigo Labs is “the accelerator for visionary founders who disrupt the status quo in Maine.”<sup>45</sup> Its innovation hub model combines an accelerator program, co-working space for remote workers, and residency programs for startups and entrepreneurs.<sup>46</sup> It also provides an innovation ecosystem that includes networking opportunities, academic partnerships, and economic development tools.<sup>47</sup>

Dirigo Labs’ 12-week accelerator program matches entrepreneurs “with a curated temporary board of advisors from our mentor pool who fit your startup’s unique needs.”<sup>48</sup> During that 12-week program, entrepreneurs participate “in a targeted curriculum covering a wide range of meaningful content, including customer discovery methodologies, revenue models, sales, employment law, fundraising,

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<sup>42</sup> BioME, Bioscience Association of Maine, <https://biomaine.org/> (last visited July 17, 2023).

<sup>43</sup> *Id.*

<sup>44</sup> Dirigo Labs, Our Region, <https://www.dirigolabs.org/our-region/> (last visited July 17, 2023).

<sup>45</sup> Dirigo Labs, <https://www.dirigolabs.org/> (last visited July 17, 2023).

<sup>46</sup> Dirigo Labs, Innovation Hub, <https://www.dirigolabs.org/innovation-hub/> (last visited July 17, 2023).

<sup>47</sup> Dirigo Labs, Innovation Ecosystem, <https://www.dirigolabs.org/innovation-ecosystem/> (last visited July 17, 2023).

<sup>48</sup> Dirigo Labs, Dirigo Labs Accelerator, <https://www.dirigolabs.org/accelerator/> (last visited July 17, 2023).



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and pitch refinement.”<sup>49</sup> “Each cohort member will exit the accelerator with connections to founders, advisors, and service providers, a solid knowledge base, a flexible and discounted coworking space membership, and guaranteed investor pitch opportunities.”<sup>50</sup> Its 2023 cohort includes eleven companies: Against the Grain; Black Travel Maine; Croft; FarmDrop; Gel Hydration Technologies; Home Grown Fuels; I-Tell Alert; Move Free; ReMo; SledTRX; and Tardigrade Industries.<sup>51</sup>

### ***Maine Center for Entrepreneurs***

The Maine Center for Entrepreneurs, also based in Portland, Maine, “has accelerated the growth of hundreds of businesses, and established a mentor network of over 200 members.”<sup>52</sup> It currently offers “multiple ongoing entrepreneurial programs, along with several workshop series events which address the unique needs and challenges facing entrepreneurs and companies today.”<sup>53</sup> It also offers “workshop series events which address the unique needs and challenges facing entrepreneurs and companies today.”<sup>54</sup> And its Maine Mentor Network connects entrepreneurs with a volunteer team of more than 200 seasoned entrepreneurs and business professionals from a variety of industries and with various business experiences.<sup>55</sup>

One program that MCE runs is the BioStartup Bioscience Business Accelerator program, which focuses on companies in the biotech, digital health, life sciences, and medical device industries who have confirmed technology feasibility and viability, have a prototype, and have received or applied for intellectual property.<sup>56</sup> The program includes “a company assessment, industry specific one-on-one coaching

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<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> Dirigo Labs, Accelerator Cohorts, 2023 Cohort, <https://www.dirigolabs.org/meet-our-cohort/> (last visited July 17, 2023).

<sup>52</sup> Maine Center for Entrepreneurs,

<sup>53</sup> Maine Center for Entrepreneurs, MCE Programs, <https://www.mced.biz/programs> (last visited July 17, 2023).

<sup>54</sup> *Id.*

<sup>55</sup> Maine Center for Entrepreneurs, BioStartup, <https://www.mced.biz/biostartup> (last visited July 17, 2023).

<sup>56</sup> *Id.*



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& mentoring, intensive multi-day high-impact workshops, networking & connections to bioscience peers and business community visibility and connections.”<sup>57</sup> And “to provide participants with visibility to the bioscience business community and continue to make connections that are critical to growth, participants will have a chance to showcase their products and business to an audience of potential investors, business leaders, and journalists for the Life Sciences Showcase Event.”<sup>58</sup>

### ***Maine Small Business Development Centers***

Headquartered in Portland, Maine with locations throughout Maine,<sup>59</sup> Maine Small Business Development Centers (SBDC) “provides business advising and training to help entrepreneurs in the creation, growth, and success of their small businesses.”<sup>60</sup> It advises business owners on starting a business; business growth; buying and selling a business; financial analysis; funding a business; and marketing a business.<sup>61</sup> It also offers free live and on-demand content about starting, running, and growing small businesses.<sup>62</sup> Finally, it provides access to market and financial research reports at no cost to clients.<sup>63</sup>

### ***New Ventures Maine***

Based in Augusta, Maine with offices throughout Maine—including in Brunswick<sup>64</sup>—New Ventures Maine offers classes, workshops, and coaching at no cost to Maine entrepreneurs.<sup>65</sup> Its

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<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> Maine Small Business Development Centers, Locations, <https://www.mainesbdc.org/locations/> (last visited July 17, 2023).

<sup>60</sup> Maine Small Business Development Centers, Advising, <https://www.mainesbdc.org/advising/> (last visited July 17, 2023).

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> New Ventures Maine, Locations, <https://newventuresmaine.org/find-a-center-2/> (last visited July 17, 2023).

<sup>65</sup> New Ventures Maine, About Us, <https://newventuresmaine.org/about-us/>, (last visited July 17, 2023).



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educational offerings include business basics, business planning for entrepreneurs, and self-employment.<sup>66</sup>

### ***The Roux Institute at Northeastern University***

Based in Portland, Maine, The Roux Institute at Northeastern University is home to “pre-eminent experts in the fields of artificial intelligence, computer and data sciences, digital engineering, advanced life sciences, and medicine.”<sup>67</sup> It offers graduate certificates,<sup>68</sup> master’s degrees,<sup>69</sup> and Ph.D. degrees<sup>70</sup> in disciplines in those broad fields.<sup>71</sup>

The Roux Institute also offers programming for entrepreneurs and startups as part of an expansive entrepreneurial ecosystem backed by its network of founders, investors, mentors, and partners,<sup>72</sup> including a mentoring network and a capital network.<sup>73</sup> It offers year-long residency programs in which founders work from the Roux Institute’s innovation hub and receive investment, business services, working space, and mentorship from Northeastern University’s global network of startup advisors, founders, and subject matter experts.<sup>74</sup>

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<sup>66</sup> New Ventures Maine, Start a Business, <https://newventuresmaine.org/programs/start-a-business/> (last visited July 17, 2023).

<sup>67</sup> The Roux Institute at Northeastern University, Founder Residency, <https://roux.northeastern.edu/entrepreneurship/founder-residency/> (last visited July 17, 2023).

<sup>68</sup> The Roux Institute at Northeastern University, Certificate Programs, <https://roux.northeastern.edu/academics/certificate-programs/> (last visited July 17, 2023).

<sup>69</sup> The Roux Institute at Northeastern University, Master’s Programs, <https://roux.northeastern.edu/academics/masters-programs/> (last visited July 17, 2023).

<sup>70</sup> The Roux Institute at Northeastern University, Ph.D. Programs, <https://roux.northeastern.edu/academics/phd/> (last visited July 17, 2023).

<sup>71</sup> The Roux Institute at Northeastern University, Academics, <https://roux.northeastern.edu/academics/> (last visited July 17, 2023).

<sup>72</sup> The Roux Institute at Northeastern University, <https://roux.northeastern.edu/entrepreneurship/> (last visited July 17, 2023).

<sup>73</sup> The Roux Institute at Northeastern University, Support and Community, <https://roux.northeastern.edu/entrepreneurship/support-and-community/> (last visited July 17, 2023).

<sup>74</sup> The Roux Institute at Northeastern University, Founder Residency, <https://roux.northeastern.edu/entrepreneurship/founder-residency/> (last visited July 17, 2023); The Roux Institute at Northeastern University, Future of Healthcare Founder Residency, <https://roux.northeastern.edu/entrepreneurship/future-of-healthcare-founder-residency/> (last visited July 17, 2023).



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The Roux Institute also offers shorter programs for entrepreneurs and innovators. Its Start Summits “are idea hackathons that support collaboration between curious, driven people from all over Maine” over 1.5-day events.<sup>75</sup> And its Entrepreneurship Treks “are two-week, high-intensity programs that combine classroom learning with field study excursions to local startup companies in a variety of tech sectors” for undergraduate students, recent graduates, or current graduate students.<sup>76</sup>

### ***Startup Maine***<sup>77</sup>

Startup Maine (<https://www.startupmaine.org/>) is a volunteer-led 501(c)(3).<sup>78</sup> It serves as a convener for entrepreneurs and the organizations within the entrepreneurial ecosystem, and provides information about resources, mentors and capital.<sup>79</sup> Startup Maine hosts regular networking events, including monthly meetups and provides introductions to various programs.<sup>80</sup> In 2019, the organization sent eight companies to attend and exhibit at TechCrunch Disrupt in San Francisco.<sup>81</sup> From 2015-2019, it organized and held the state’s annual flagship conference.<sup>82</sup>

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This list of organizations is far from exhaustive.<sup>83</sup> But even this illustrative list shows that Brunswick, Maine is part of a thriving ecosystem that supports innovation and entrepreneurship—which makes it a perfect fit for the NNECOO.

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<sup>75</sup> The Roux Institute at Northeastern University, Start Summits, <https://roux.northeastern.edu/entrepreneurship/start-summit/> (last visited July 17, 2023).

<sup>76</sup> The Roux Institute at Northeastern University, Entrepreneurship Treks, <https://roux.northeastern.edu/entrepreneurship/entrepreneurship-treks/> (last visited July 17, 2023).

<sup>77</sup> Startup Maine provided this paragraph.

<sup>78</sup> Information provided by Startup Maine.

<sup>79</sup> *Id.*

<sup>80</sup> Startup Maine, About, <https://www.startupmaine.org/about/> (last visited July 17, 2023).

<sup>81</sup> Information provided by Startup Maine.

<sup>82</sup> *Id.*

<sup>83</sup> For a more exhaustive list, see BioME, Bioscience Association of Maine, Doing Business in Maine, <https://biomaine.org/doing-business-in-maine/> (last visited July 17, 2023).





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**C. Community organizations and businesses in and near Brunswick, Maine could complement the NNECOO’s mission of providing intellectual property education and promoting the career benefits of innovation and entrepreneurship.**

Many of the organizations discussed in **Section II.B** promote the career benefits of innovation and entrepreneurship, as shown by the advice and support they offer and the successes that innovators and entrepreneurs have achieved with their advice and support. And as a Brunswick, Maine resident myself, I would also be proud to support the NNECOO’s mission to provide intellectual property education and promote the career benefits of innovation should the NNECOO come to Brunswick (or anywhere else in Maine). I have devoted much of my career to educating others about patent law and practice, especially before the Patent Trial and Appeal Board. I have been a member of the PTAB Bar Association since its inception, and I currently serve as the Technology Committee Chair and an editor of the Association’s PTAB Roundup newsletter.<sup>84</sup> I regularly speak on PTAB and Federal Circuit practice, and have spoken at events ranging from free webinars to national conferences.<sup>85</sup> And as an entrepreneur who launched my own patent law firm,<sup>86</sup> I can speak to the fundamentals of starting and running a business that involves intellectual property.

**D. Brunswick, Maine’s geographic location make it ideally suited to serve innovators and entrepreneurs throughout Maine, New Hampshire, and Vermont.**

Brunswick, Maine lies near the geographic center of the three-state region defined by Maine, New Hampshire, and Vermont:

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<sup>84</sup> McNish PLLC, Kevin McNish, <https://www.mcnishpllc.com/our-team/kevin-mcnish/> (last visited July 17, 2023).

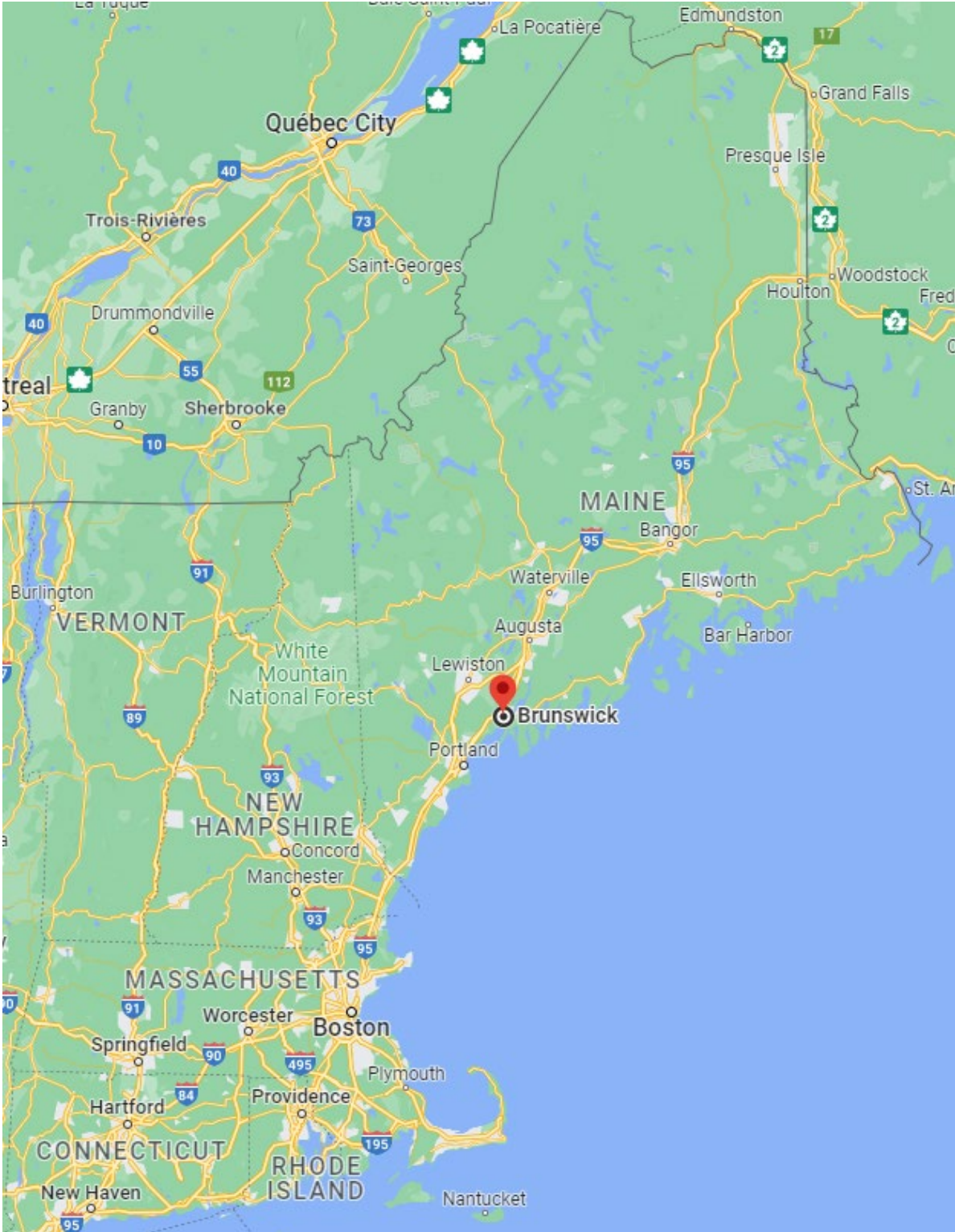
<sup>85</sup> Recordings of some of those free webinars are available through the Presentations and Publications page of McNish PLLC’s website: <https://www.mcnishpllc.com/presentations-publications/> (last visited July 17, 2023).

<sup>86</sup> McNish PLLC, New PTAB Boutique Firm McNish PLLC Launches, <https://www.mcnishpllc.com/new-ptab-boutique-law-firm-mcnish-pllc-launches/> (last visited July 17, 2023).



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<sup>87</sup> Google Maps, <https://www.google.com/maps> (Brunswick, Maine) (last visited July 17, 2023).



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Placing the NNECOO near the geographic center of that three-state region defined by Maine, New Hampshire, and Vermont would make it well-suited to serve innovators and entrepreneurs throughout that region. Even some of the furthest outlying parts of that region are within a five-hour drive of Brunswick, Maine. For example, Burlington and Essex Junction, Vermont—at Vermont’s western border—are about four-and-a-half hours away.<sup>88</sup> It takes roughly the same amount of time to drive to Brunswick, Maine from Manchester, Vermont in southern Vermont.<sup>89</sup> As for the northeast extreme of that region, Presque Isle, Maine—a hub for the growing space industry in Aroostook County, Maine<sup>90</sup>—is just under four-and-a-half hours from Brunswick, Maine.<sup>91</sup>

Brunswick, Maine is readily accessible by road, train, and air. By road, Brunswick, Maine is served by Interstate 295—which connects directly to Interstate 95, which connects to other interstate highways and other U.S. highways throughout Northern New England. By train, Brunswick, Maine is served by Amtrak’s Downeaster Line, which connects it to stations in Maine (Freeport, Portland, Old Orchard Beach, Saco, and Wells), New Hampshire (Dover, Durham, and Exeter), and Massachusetts (Haverhill, Woburn, and Boston North Station).<sup>92</sup> As for air travel, Brunswick, Maine is a straightforward 35-minute drive up Interstate 295 from the Portland International Jetport (PWM) in Portland, Maine. Brunswick Landing also has its own general aviation airport, the Brunswick Executive Airport (BXM).<sup>93</sup>

Finally, Brunswick, Maine’s location would also improve the overall geographic distribution of the USPTO’s offices. Brunswick,

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<sup>88</sup> *Id.* (driving directions from Burlington, Vermont to Brunswick, Maine; driving directions from Essex Junction, Vermont, to Brunswick, Maine) (last visited July 17, 2023). I have also made this drive, and this estimate is consistent with my experience.

<sup>89</sup> *Id.* (driving directions from Manchester, Vermont to Brunswick, Maine) (last visited July 17, 2023).

<sup>90</sup> Bangor Daily News, *The space industry is a growing business in Aroostook*, available at <https://www.bangordailynews.com/2023/07/10/news/aroostook/maine-space-industry-aroostook-joam40zk0w/> (July 10, 2023).

<sup>91</sup> Google Maps, <https://www.google.com/maps> (driving directions from Presque Isle, Maine to Brunswick, Maine) (last visited July 17, 2023).

<sup>92</sup> Amtrak, Amtrak Downeaster, <https://amtrakdowneaster.com/> (last visited July 17, 2023).

<sup>93</sup> Midcoast Regional Redevelopment Authority, Brunswick Executive Airport, <https://mrra.us/brunswick-executive-airport/> (last visited July 17, 2023).



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Maine is further north and further east than any existing USPTO office. It is also closer to the innovators and entrepreneurs in the Greater Boston, Massachusetts area than any existing USPTO office. And travel to Brunswick, Maine from the USPTO's main office in Alexandria, Virginia is straightforward: direct flights under two hours connect the Portland International Jetport (PWM) with both Ronald Reagan Washington National Airport (DCA) and the Washington Dulles International Airport (IAD).<sup>94</sup>

### **III. Disclaimers.**

I submit these comments in my personal capacity and as McNish PLLC's sole practitioner—not on behalf of any other individual or entity unless otherwise expressly stated. Although these comments discuss various individuals and entities, they discuss those individuals and entities only for informational purposes. Unless otherwise expressly stated, none of those individuals or entities participated in preparing these comments; nor have any of those individuals or entities requested that I prepare these comments; nor have any of those individuals or entities reviewed, approved, or endorsed these comments; nor should any of these comments be construed as a commitment from any of those individuals or entities to undertake or refrain from any action. These comments reflect my views and my views alone unless otherwise expressly stated. Unless otherwise expressly stated, those views should not be attributed to any individual or entity described in these comments, nor to any present or former client of McNish PLLC. Any errors or omissions are inadvertent and are mine alone.

\* \* \*

Thank you for the opportunity to submit these comments. As these comments show, Brunswick, Maine meets the UAIA's location preference criteria, and it would be an ideal location for the NNECOO. Please feel free to contact me with any questions about these comments.

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<sup>94</sup> I speak from personal experience, which includes traveling from my home in Brunswick, Maine to Alexandria, Virginia for in-person oral arguments in matters before the PTAB.



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Dated: July 17, 2023

Respectfully submitted,

/kkm/

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Startup Maine has reviewed these comments and supports them.

Dated: July 17, 2023

Respectfully submitted,

*Katie Shorey*

Katie Shorey (Jul 17, 2023 12:34 EDT)

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Katie Shorey

President, Startup Maine



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## **Appendix: Backup for Demographic Statistics**

### ***Statistics for Cumberland County, Maine from the 2012 Survey of Business Owners***

**Women-Owned Firms: 41.7%.** Less than 45% of the surveyed firms in Cumberland County, Maine are female-owned. Of the 33,647 surveyed firms classifiable by gender, ethnicity, and other demographic characteristics, 19,600 are male-owned, 11,282 are female-owned, and 2,765 are equally male/female-owned.<sup>95</sup> A total of 14,047 (11,282 + 2,765) firms are partly or wholly female-owned.<sup>96</sup> Thus, **41.7%** of surveyed Cumberland County, Maine firms classifiable by gender, ethnicity, and other demographic characteristics are partly or wholly female-owned (14,047 / 33,647).

**Minority-Owned Firms: 4.7%.** Less than 45% of the surveyed firms in Cumberland County, Maine are minority-owned. Of the 33,647 surveyed firms classifiable by gender, ethnicity, and other demographic characteristics, 32,060 are nonminority-owned, 1,463 are minority owned, and 124 are equally minority/nonminority-owned.<sup>97</sup> A total of 1,587 firms are partly or wholly minority-owned. Thus, **4.7%** of surveyed Cumberland County, Maine firms classifiable by gender, ethnicity, and other demographic characteristics are partly or wholly minority-owned (1,587 / 33,647).

**Veteran-Owned Firms: 13.4%.** Less than 45% of the surveyed firms in Cumberland County, Maine are veteran-owned. Of the 33,647 surveyed firms classifiable by gender, ethnicity, and other demographic

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<sup>95</sup> SB1200CSA02, Statistics for All U.S. Firms by Industry, Veteran Status, and Gender for the U.S., States, Metro Areas, Counties, and Places: 2012,

<https://data.census.gov/table?g=050XX00US23005&tid=SBOCS2012.SB1200CSA02> (click “Geos,” then “County” from the “Geos” menu, then “Maine” from the “County” menu, then “Cumberland County, Maine” from the “Maine” menu) (last visited July 17, 2023).

<sup>96</sup> *Id.*

<sup>97</sup> SB1200CSA01, Statistics for All U.S. Firms by Industry, Gender, Ethnicity, and Race for the U.S., States, Metro Areas, Counties, and Places: 2012,

<https://data.census.gov/table?g=050XX00US23005&tid=SBOCS2012.SB1200CSA01> (click “Geos,” then “County” from the “Geos” menu, then “Maine” from the “County” menu, then “Cumberland County, Maine” from the “Maine” menu) (last visited July 17, 2023).



characteristics, 29,134 are nonveteran-owned, 3,631 are veteran-owned, and 883 are equally veteran/nonveteran-owned.<sup>98</sup> A total of 4,514 (3,631 + 883) firms are partly or wholly veteran-owned.<sup>99</sup> Thus, **13.4%** of surveyed Cumberland County, Maine firms classifiable by gender, ethnicity, and other demographic characteristics are partly or wholly veteran-owned (4,514 / 33,647).<sup>100</sup>

### ***Statistics for the Portland-South Portland, Maine Metropolitan Area from the 2012 Survey of Business Owners***

Women-Owned Firms: 42.2%. Less than 45% of the surveyed firms in the Portland-South Portland, Maine Metropolitan Area are female-owned. Of the 56,920 surveyed firms classifiable by gender, ethnicity, and other demographic characteristics, 32,822 are male-owned, 18,869 are female-owned, and 5,169 are equally male/female-owned.<sup>101</sup> A total of 24,038 (18,869 + 5,169) firms are partly or wholly female-owned.<sup>102</sup> Thus, **42.2%** of surveyed Portland-South Portland, Maine Metropolitan Area firms classifiable by gender, ethnicity, and other demographic characteristics are partly or wholly female-owned (24,038 / 56,920).

Minority-Owned Firms: 4.1%. Less than 45% of the surveyed firms in the Portland-South Portland, Maine Metropolitan Area are minority-owned. Of the 56,920 surveyed firms classifiable by gender, ethnicity, and other demographic characteristics, 54,601 are

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<sup>98</sup> SB1200CSA02, Statistics for All U.S. Firms by Industry, Veteran Status, and Gender for the U.S., States, Metro Areas, Counties, and Places: 2012, <https://data.census.gov/table?g=050XX00US23005&tid=SBOCS2012.SB1200CSA02> (click “Geos,” then “County” from the “Geos” menu, then “Maine” from the “County” menu, then “Cumberland County, Maine” from the “Maine” menu) (last visited July 17, 2023).

<sup>99</sup> *Id.*

<sup>100</sup> *Id.* The total number of firms surveyed by veteran ownership adds up to 33,648 instead of 33,647; I presume the discrepancy reflects a data entry error. In any event, that one-firm discrepancy is insignificant and would only further decrease the proportion of veteran-owned businesses.

<sup>101</sup> SB1200CSA02, Statistics for All U.S. Firms by Industry, Veteran Status, and Gender for the U.S., States, Metro Areas, Counties, and Places: 2012, <https://data.census.gov/table?g=050XX00US23005&tid=SBOCS2012.SB1200CSA02> (click “Geos,” then “Metropolitan/Micropolitan Statistical Area” from the “Geos” menu, then “Portland-South Portland, ME Metro Area” from the “Metropolitan/Micropolitan Statistical Area” menu) (last visited July 17, 2023).

<sup>102</sup> *Id.*



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nonminority-owned, 2,121 are minority owned, and 198 are equally minority/nonminority-owned.<sup>103</sup> A total of 2,319 (2,121 + 198) firms are partly or wholly minority-owned. Thus, **4.1%** of surveyed Portland-South Portland, Maine Metropolitan Area firms classifiable by gender, ethnicity, and other demographic characteristics are partly or wholly minority-owned (2,319 / 56,920).

Veteran-Owned Firms: 14.0%. Less than 45% of the surveyed firms in the Portland-South Portland, Maine Metropolitan Area are veteran-owned. Of the 56,920 surveyed firms classifiable by gender, ethnicity, and other demographic characteristics, 48,954 are nonveteran-owned, 6,356 are veteran-owned, and 1,610 are equally veteran/nonveteran-owned.<sup>104</sup> A total of 7,966 (6,356 + 1,610) firms are party or wholly veteran-owned.<sup>105</sup> Thus, **14.0%** of surveyed Portland-South Portland, Maine Metropolitan Area firms classifiable by gender, ethnicity, and other demographic characteristics are partly or wholly veteran-owned (7,966 / 56,920).

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<sup>103</sup> SB1200CSA01, Statistics for All U.S. Firms by Industry, Gender, Ethnicity, and Race for the U.S., States, Metro Areas, Counties, and Places: 2012, <https://data.census.gov/table?g=050XX00US23005&tid=SBOCS2012.SB1200CSA01> (click “Geos,” then “Metropolitan/Micropolitan Statistical Area” from the “Geos” menu, then “Portland-South Portland, ME Metro Area” from the “Metropolitan/Micropolitan Statistical Area” menu) (last visited July 17, 2023).

<sup>104</sup> SB1200CSA02, Statistics for All U.S. Firms by Industry, Veteran Status, and Gender for the U.S., States, Metro Areas, Counties, and Places: 2012, <https://data.census.gov/table?g=050XX00US23005&tid=SBOCS2012.SB1200CSA02> (click “Geos,” then “Metropolitan/Micropolitan Statistical Area” from the “Geos” menu, then “Portland-South Portland, ME Metro Area” from the “Metropolitan/Micropolitan Statistical Area” menu) (last visited July 17, 2023).

<sup>105</sup> *Id.*









# 2023 07 17 FINAL McNish PLLC Brunswick Comments

Final Audit Report

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