

Inventing Protest: Mobilizing U.S. Inventors as Activists

By

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Abstract

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This dissertation examines the emergence of a protest campaign of “Inventor-Activists” launched by Independent Inventors in the United States around 2015 to demand stronger patent rights. Led by the newly-formed advocacy organization U.S. Inventor, Inventor-Activists have picketed congressional offices, burned their patents in public, and filed legal challenges to the administrative post-grant review system—constituting the first sustained extra-institutional campaign around U.S. patent policy. This project asks two central empirical questions: *why then*, and *why them*? That is, why did the movement emerge in 2015, and why did only some Independent Inventors join it?

Drawing on Power Devaluation Theory and Social Movement scholarship on threat-based mobilization, I argue that the Inventor-Activists are best understood as a Conservative Movement in defense of threatened privilege, whose concerns about capital concentration, globalization, and the erosion of the independent middle class parallel those that animated the Tea Party. The dissertation employs a multi-method case study design, combining analysis of U.S. patent law and legislative history, computational text analysis of Wikipedia biographies to establish the cultural status of the American Inventor archetype, organizational ethnography of Independent Inventor Organizations, and semi-structured interviews with Inventor-Activists and non-mobilized Independent Inventors.

The empirical chapters address mobilization at three levels of analysis. At the macro level, I show that the proposed Innovation Act of 2015 represented a sufficiently concrete threat—that it was sufficiently imminent, specific, and significant—to catalyze collective action by Independent Inventors, whereas prior reform efforts had not. The myth of the heroic American Independent Inventor, documented through cultural analysis, helped frame that threat as a cause for which collective action was worthwhile. At the micro level, I identify multiple factors that affected differential recruitment to activism, including depth of investment in inventing, patent consciousness, injurious experience with the patent system, biographical availability, contact with agents of transformation, and a “Inventor's paranoia” that both underlies the Independent Inventors’ grievances and impedes their organization. At the meso level, I find that the existing organizational field for Independent Inventors in 2015 lacked the organizational capacity for

extra-institutional protest, compelling the movement's founders to build U.S. Inventor from the ground up, with critical support from Tea Party allies who shared their commitments to property rights and conservative populism.

This study advances Social Movement theory by elaborating the conditions under which concrete, multidimensional threats generate mobilization among relatively privileged groups, and by demonstrating the value of thick case study methods for understanding the emergence of young movements. It also contributes to scholarship on the politics of the American knowledge economy by showing how patent policy, long treated as a closed technocratic arena, has become a site of populist contention with broader implications for innovation and democratic governance.

For William, as everything

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Chapter 1

Introduction

Today, Uncle John [Trump] would be called a [patent] troll... It's time for us to make patents great again. Patents are at the core of what makes America great. (*Patent and Trademark Policy Protest* 2017)

Inventor-Activists gathered in front of the U.S. Patent and Trademark Office (“PTO”) in Alexandria, Virginia on August 11, 2017. They were there to protest changes to patent law that they believed had undercut the value of their patents and their status as Inventors. Public relations professional and eventual Trump Administration official Michael Caputo began the event by noting the threat facing such heroic Inventors, such as President Trump’s Inventor uncle who he specifically referenced, and calling for the rollback of the patent reforms the Inventor-Activists decried. According to them, in an attempt to eliminate suits by so-called “patent trolls”—a controversial term for companies that make no products and do no research, but own patents and sue other companies based on weak claims for extortionate sums—the United States had undermined its patent system in ways that especially disadvantaged Independent Inventors and favored large, often foreign corporations and competitors. The Inventor-Activists were convinced their patents had been rendered worthless, while the market positions of multinational Big Tech firms and the international supremacy of China was all but assured. With media and government officials looking on, a series of Independent Inventors burned their patents to hammer home the point.

Although the Inventor-Activists were engaged in a novel form of advocacy in the patent space, their demonstration would be eclipsed in the public eye by a larger protest that occurred a few hours later in Charlottesville, Virginia. Involving very different goals and organizations, racist and anti-Semitic groups absurdly carrying tiki torches marched through the streets of Charlottesville in the middle of the night chanting about their fears of being replaced. The next day, counter-protester Heather Heier was murdered by one of the protesters who drove a car into a crowd of counter-protesters. Stories about the alarming rise of often-violent Right-Wing groups, including White Nationalist organizations, proliferated rapidly when President Trump expressed sympathy for those on “both sides” of the event.

Although seemingly unrelated, both these protests reflected a deep ambivalence among some communities about the way America has changed in recent years. In a book on the rise of the White Nationalist components of the Trump movement—which features an image of the Charlottesville protest on its cover—sociologists Rory McVeigh and Kevin Estep argue that Right-Wing and Conservative Movements are often motivated by anxiety around a group’s eroding power in society (2020). They find that the Trump movement, specifically, was motivated by concerns that lower-middle-class White Americans were systematically losing economic, cultural, and political power. In this dissertation, I find that similar dynamics— anxiety around the loss of economic opportunity and social status in particular—can also help explain the emergence of the Inventor-Activists’ protests.

The timing of the Inventor-Activists' protest campaign was otherwise unusual. The patent law changes that aggrieved the Inventor-Activists, including limits to the scope of patentable subject matter, loss of injunctive relief as a default remedy for patent infringement and the creation of a new administrative procedure for challenging (but not enforcing) patents, had occurred years earlier. But the Inventor-Activists did not begin to mobilize as individuals until 2013 (Morinville 2015) and did not begin their collective protest campaign until the run-up to the 2016 election. Inventors also are not the sort of people we expect to protest. At least until recently, protest was generally considered a tactic of the oppressed, or of groups who perceive themselves to be excluded from the polity. But Independent Inventors are core to the legitimating mythology of the patent system (Lemley 2012; Silbey 2008; Wachhorst 1981). And the Inventor-Activists burning their patents self-evidently possessed some measure of resources and institutional acumen—at least enough to obtain patents in the first place. Moreover, many of them were middle-class white men, with their attendant overlapping privileges. Explaining why the relatively privileged resort to tactics like protest is a challenge for contemporary Social Movement research like that of McVeigh and Estep—one that complements efforts among political scientists to understand the “plutocratic populism” that characterizes Conservative Movements like the Tea Party or Trump campaign (Hacker and Pierson 2019, 2021).

Patent policy also is not an arena in which contention or partisanship, let alone protest, occurs very often. Inventors have never organized effectively as a political constituency (Hintz 2019, 2021a). Patent policy debates in the United States tend to be closed, insular affairs in which experts, policymakers, and industry lobbyists technocratically weigh the interests and influence of stakeholders (Parthasarathy 2017). Despite fierce lobbying efforts by multiple parties and interests, patent policy generally has not been inflected with the partisanship or invective that has spread throughout so many other issues in American politics.

As a patent litigator who also has training in law and Social Movements, the emergence of a conservative-sounding protest campaign espousing patent maximalism was a fascinating development. I was immediately fascinated by why these Inventor-Activists mobilized when they did and why only some Inventors joined their fight. This dissertation therefore asks about the Inventor-Activists' protests, “Why then?” and “Why them?” Answering these questions requires complicating our understanding of how patent policy is made and extending our understanding of how contending groups even in relatively narrow policy domains can follow Social Movement strategies.

1.1 Patent Protests

Patents are not typically the subject of protest or partisanship in the United States, although contention of this sort has a history. Farmers protested against aggressive enforcement of patents on universally used farming tools like barbed wire during the late nineteenth century to such an extent that it became a significant regional political issue (Wilf 2023). During litigation over gene patents in the 2010s, various progressive organizations led protests against patents on life forms as commodification of nature and a slippery slope toward genetic engineering. They picketed and carried signs at the Supreme Court when a key case was being argued in 2013, for example (Parthasarathy 2017). And during the COVID-19 pandemic, activists protested against patents on medicines and related technologies (Olivier 2021).

Protest around patent issues had been more common internationally than in the U.S. Access to patented medicines has been the subject of protests long before the COVID-19 pandemic (Krikorian and Kapczynski 2010). The concern about gene patents expressed in a few isolated protests in the United States sparked larger protests in Europe (Parthasarathy 2017). There even have been sporadic small protests in favor of stronger patents in Europe, including a small businessman who burned a patent in London in 2012 (Tyler 2012) and a larger protest by patent owners in Moldova in late 2016 who were angry about plans to allow invalidation of their patents (Infotag.Md 2016). But there has been no sustained protest campaign around patents, even internationally, before U.S. Inventor-Activists mobilized together in 2015.

The decade-long protest movement in support of patents by Inventor-Activists in the United States is thus a novel development. The Inventor-Activists claim that large companies—especially the so-called Big Tech firms—have corrupted U.S. patent policy. Instead of protecting small Inventors who have new and disruptive technologies, the patent system now, they say, has been weakened such that it favors the multinationals’ incumbent interests and the interests of the U.S.’s international competitors like China. Led by a new Independent Inventor Organization called U.S. Inventor that was founded in approximately 2015, Inventor-Activists have conducted a series of extra-institutional actions to demand stronger patent rights. These protests have included picketing, holding rallies, and burning their patents. Table 1 summarizes their protest actions chronologically.

Date	Location	Approx. Size	Description
Fall 2016	San Diego, CA	10s	Inventor-Activists repeatedly picketed outside of Rep. Darrell Issa’s district office and scheduled events. They also paraded vehicles through his district plastered with signs. U.S. Inventor was joined by members of the local group San Diego Inventors Forum. Some of the signs at this protest targeted Rep. Issa specifically, such as “Issa Killed My Startup.” Others reflected broader themes like “Weak Patents Moves Jobs to China” and Don’t Let Big Biz Take American Dreams.” And some appropriated language from the presidential campaign, such as “Make America Great Again with Strong Patents,” which riffed on the Trump Campaign’s campaign slogan.¹

¹ Other signs at this event read as follows: “Stop Issa: Save Inventors ...,” “Save Our Manufacturing: Stop Issa,” and “Rigged Patents = Rigged Economy.” Many were plastered to vehicles, including Mr. Morinville’s truck camper. The protests were written up on social media and a prominent patent blog to which Mr. Morinville was a contributor (Morinville 2016c, 2016a).

Date	Location	Approx. Size	Description
8/11/2017	Alexandria, VA	10s	At the U.S. PTO headquarters, during an annual conference for Independent Inventors, Inventor-Activists gave awards to patent examiners, made speeches about the harm done recently to the patent system, picketed, and burned their patents. Signs here again reflected Trump Campaign language, such as “Make Patents Great Again.” They also targeted the Patent Trial & Appeal Board (“PTAB”) specifically, with children of inventors carrying signs that read things like “PTAB Stole My College Tuition” or “Give My Dad His Patents Back.” And the signs previewed the upcoming litigation in <i>Oil States</i>, pleading, “Supreme Court Save Us,” “PTAB is Unconstitutional,” and “Patent Right = Property Right.”²
11/27/2017	Washington, DC	10s	Inventor-Activists made speeches and picketed on the steps of the U.S. Supreme Court on the day of oral argument in a significant patent case: <i>Oil States Energy Services, LLC v. Greene’s Energy Group, LLC</i>, 584 U.S. ____ (2018) (upholding the constitutionality of administrative review of patent validity in the PTAB). Members of the local group Inventors Network of the Capital Area participated in this protest. The signs at this protest linked patents with America (“PTABs Kill American Dreams”) and with property rights (“Don’t Take My Property, Save Patents”). They also touted patents as pro-

² Other signs at this event read as follows: “Inventors Create, PTAB Eliminates,” “PTAB Negates the Real Examiners,” “Our Economy Needs Patents,” “The Lord Giveth... The PTAB Taketh Away,” “Patent Thieves And Bullies,” “Good Ideas Are Worth Protecting,” and “Invalidate the PTAB.” The event received some attention on IP blogs as well as at larger news outlets such as BBC News and Reuters (Brachmann and Quinn 2017; Mordock 2017; *Patent and Trademark Policy Protest* 2017; “US Patent Office Protest - Julie Ann Pixler,” n.d.; *Why America’s Inventors Are Burning Patents* 2017; Shepherd 2017; Wolfe 2017).

Date	Location	Approx. Size	Description
			competitive forces (“Monopolies Fear Patented Competition!”). ³
10/25/2019	National Harbor, MD	10s	Inventor-Activists made speeches and picketed outside of the American Intellectual Property Law Association’s annual meeting, during which the U.S. PTO conducted a hearing in an <i>Inter Partes</i> Review procedure challenging the validity of a patent, which U.S. Inventor called “<i>The Hunger Games</i> for inventors.”⁴ Signs at this event attacked the PTAB (“PTAB is Unconstitutional”) and its procedures (“Inventors Deserve Jury Trials” while demanding “Inventors Must Be Heard.”)⁵
9/16/2021	Alexandria, VA Burlington, VT Dallas, TX Denver, CO Detroit, MI San Jose, CA	10s per site	On the tenth anniversary of the signing of the America Invents Act—significant patent reform legislation that aggrieved the Inventor-Activists—they held rallies at the U.S. PTO’s headquarters, all its regional offices, and near Sen. Patrick Leahy’s office (Sen. Leahy was a named sponsor of the AIA). They made speeches and picketed.⁶ I observed the San Jose protest in person. Inventor-Activists there and at the other sites wore shirts that read “Homo sapiens inventoris: Endangered Species.” Inventor-Activists’ signs at the various sites read things like: “Reverse AIA: Say “NO”, to Big Tech Bullies!”

³ Other signs at this event read: “3rd World Patent System,” “American Inventors Need Fair, Traditional U.S. Patent Rights! The Greatest Job Creator in U.S. History,” “Oil States Worse than Kelo,” “Make Patents Great Again,” and “Monopolies: Can’t Trust ‘Em Gotta Bust ‘Em.” The protest was covered on IP blogs, and images from it were included with a Reuters story on the political significance of the case for conservatives (Chung 2017; Quinn 2017).

⁴ https://www.eventbrite.com/e/rally-to-support-emmy-recipients-inventors-put-on-trial-by-uspto-registration-76573841421?internal_ref=login#

⁵ Signs at this event read: “Corporations Don’t Invent, People Do,” “Inventors Are People,” “‘PTAB’ = Patent Theft Approval Board,” and “Inventors’ Hard Work Matters!!! Stop Big Companies from Cheating Inventors.” The event was covered by some legal press and is memorialized on multiple participants’ websites (Eakin 2019; JTBG 2019; Jtbgadmin1, n.d.).

⁶ The protest received some coverage (not all of it favorable) on IP blogs (Sloat 2021; Eakin 2021; Quinn 2021; US Inventor 2021).

Date	Location	Approx. Size	Description
			“Reverse AIA: Say No, to Corporate Tyrants!”, “Reverse AIA: Say No, to Chinese Communist Party! (CCP),” “Cancel Patents = Cancel USA,” and “Restore Inventor Rights Now.”
Jan. 2023	Washington, DC	10s per day; claim of 100s	Inventor-Activists picketed and chanted outside Capitol Hill office buildings protesting the nomination of Rep. Issa to chair the House subcommittee with jurisdiction over patents over several days. Some appeared at the organizational meeting of the Committee at which the nomination was voted upon, adorned in blaze orange shirts declaring Rep. Issa unfit for the role to which he was ultimately posted.⁷ I observed the final day of picketing and the appearance at the Committee’s organizational meeting in person. Inventor-Activists at this event chanted things like “No Issa” and “We are American Inventors, and we say ‘NO’ to Issa for IP Chair!” In addition to the signs with cartoons, they carried signs that had simpler slogans like: “Issa Stands With Big Tech Thieves,” “Darrell Issa: Google’s Favorite GOP Rep,” “Davos Darrell Disdains Inventors,” “Globalist Darrel[l] Issa Loves China,” and “Issa Hates Patents.”
2/23/2023	Phoenix, AZ	≈10	Inventor-Activists in blaze orange shirts with graphics attacking administrative review of patents attended a U.S. PTO “Stadium Tour” event at which a live <i>Inter Partes</i> Review was conducted at Arizona Law School. They distributed literature and mingled with participants throughout the day-long event. ⁸

Table 1.1.1 Summary of Inventor-Activist Protest Actions.

Signs at the protests reflected the Inventor-Activists’ grievances (“Inventors Create, PTAB Eliminates”), the parties they blamed (“[Rep. Darrell] Issa Killed My Startup”; “Don’t Let Big Biz Take American Dreams”), and the stakes they perceived (“Weak Patents Moves Jobs to China”; “Cancel Patents = Cancel USA”).

⁷ The event got some coverage on IP blogs (Kim 2025; Morinville 2023; Pronk 2023; US Inventor 2023a, 2023b).

⁸ I observed this event in person. I am not aware of any press covering this event.

They also reflected opportunistic messaging based on emergent political issues. In 2016 as Trump was ascendant, signs read “Make Patents Great Again” or similar. In the 2020s, as attention focused on China in Congress, they linked patent reform to Chinese or other international interests. At the San Jose protest I observed in 2021, for example, one of the pre-printed signs said “Reverse AIA: Say No, to Chinese Communist Party! (CCP).” I have included a detailed list of further examples in footnotes to Table 1.

None of the Inventor-Activists’ protests have been very large. The Inventor-Activists know that they aren’t waging a mass movement; they’re using asymmetrical tactics designed to amplify their influence. As the table indicates, the largest of their protests has involved hundreds of people across multiple sites—a significant logistical feat, but not something that would make headlines. Instead of size, the Inventor-Activists have relied on focused events targeting specific people or specific issues at which they disrupt, within bounds, events of significance to patent stakeholders —“rifle-shot” protests in the language of one leader (Interview O384-1a at 266-67). The Inventor-Activists calibrate their efforts at each event, mounting a sufficiently disruptive presence to be noticed without being so disruptive as to be rude or disrespectful (Field Notes; Interview O384-b at 112).

Congressman Darrell Issa, for example, has been a frequent target of the Inventor-Activists. Rep. Issa is a Republican from Southern California who has chaired, at various times, the House Judiciary Committee’s subcommittee dealing with patents and intellectual property. An Inventor himself (*see, e.g.*, U.S. Patent No. 5,646,591), he was also a proponent of patent reforms like the Innovation Act, which was vociferously opposed by the Inventor-Activists and made him a high-value target of their resistance (*see* Chapter 4). In Fall 2016, the Inventor-Activists’ first protests targeted Rep. Issa in his then-home district. The Inventor-Activists conducted a series of actions, picketing and rallying outside Rep. Issa’s appearances in Southern California and, when he stopped posting his calendar publicly, parading through his district in cars and trucks with signs that read things like “Weak Patents Moves Jobs to China,” “Don’t Let Big Biz Take American Dreams,” “Stop Issa; Save Inventors,” and (echoing the Trump campaign slogan of the day) “Make America Great Again with Strong Patents.”

Seven years later, as the 118th Congress was coming into session in January 2023, Rep. Issa was the target of another series of protests by Inventor-Activists and U.S. Inventor. Now hailing from a redrawn district and joining a new Republican Congress, Rep. Issa was again being named to chair the House’s subcommittee dealing most directly with patents. For several rainy days before his appointment was confirmed by the Committee, dozens of Inventor-Activists chanted and picketed on the sidewalks running from the Capitol South Metro station, past the Capitol Hill Club, to the Cannon Office Building. Summing up their demand, they declared in one chant I heard, “We are American Inventors, and we say ‘NO!’ to Issa for IP chair!” (Field Notes). They carried signs blasting Rep. Issa for betraying America and its Inventors, some bearing exquisite cartoons created by one of the Inventor-Activists (Figure 1.1.1). On the day of the House Judiciary Committee’s organizing meeting, many of the Inventor-Activists donned blaze orange shirts declaring Issa unfit and, together, filled one of the three rows of seats in the Judiciary

Committee hearing room on Capitol Hill, something that, to my eye, seemed to catch the attention of legislators and staffers in attendance (Field Notes).⁹



Figure 1.1.13.3.1.1 Anti-Issa cartoon on Inventor-Activist's sign, Washington, DC. Cartoon by Michael Kintner; Photo by author (2023)

Although they value extra-institutional protest, throughout their protest campaign U.S. Inventor and other patent advocacy groups have engaged in institutional actions as well. For example, one of U.S. Inventor's first actions as a formally constituted organization was filing an *amicus* brief in a 2016 case challenging the legality of the new administrative system for challenging the validity of patents called the Patent Trial and Appeal Board ("PTAB") (Morinville 2016b). Since that time, they have filed other *amicus* briefs, Freedom of Information Act cases seeking more information about the PTO and PTAB, and direct litigation challenging PTO actions. They have encouraged Independent Inventors to participate in Notice and Comment on PTO rule-making. And they have engaged in extensive personal lobbying with legislators and regulators. The annual U.S. Inventor conferences, for example, begin with a lobbying day where Independent Inventors can tell their stories directly to legislators and rule-makers on Capitol Hill. I observed

⁹ The hearing itself was anticlimactic for the Inventor-Activists. Most of its time was devoted to partisan posturing about whether to recite the Pledge of Allegiance in Committee meetings and, if so, by whom it should be led. Rep. Issa's subcommittee chairmanship was ratified without discussion.

two days of those events. Even in these institutional settings, there was a passion on the part of the Inventors and their allies that was undeniable.¹⁰

Why did the Inventor-Activists at U.S. Inventor and otherwise begin to mobilize when they did? Why did only some Inventors mobilize with them? Social Movement theory can suggest answers to these questions.

1.2 Why Social Movements Emerge

Social Movement theory has oscillated over time as the movements studied by scholars have shifted. The field moved from irrational, emotion- and ideology-driven models of the fascist movements that preceded World War II to rational, resource-driven or opportunity-driven models of movements afterward, featuring civil rights activists acting rationally within a complex social context on behalf of various disadvantaged groups (Buechler 2011). These models viewed activists as rational actors who would pursue their interests when they received an influx of resources (McCarthy and Zald 1977) or were presented with an emergent opportunity to achieve a movement goal (McAdam 1982). Dominant theories of Social Movements still depend on the emergence of political opportunity and or resources to explain the timing of movement emergence (Ferree and Merrill 2000; McAdam 1999; McCarthy and Zald 2001; Schradie 2019). There's risk, then, in opening back up social movement theory to include emotions like anger and the grievances people express, or to permit for movements that advocate disfavored, even heinous views. To the extent we admit those things back in, are we undermining our evolved conception of (progressive) social movements motivated by justice for the downtrodden?

Research about Conservative Movements suggests that such movements engage in similar processes of interpretation, organization, and mobilization to other Social Movements (Blee and Creasap 2010b; McVeigh 2009; Rafail and McCarthy 2023; Skocpol and Williamson 2016). Yet a reluctance remains to assert as much. McVeigh, for example, characterizes his own work developing Power Devaluation Theory as a *sui generis* theory of Conservative Movements that sees loss of privilege across political, economic, and/or social domains as favorable to mobilization for such groups, with no pretension to broader applicability.

To have a general theory of social movements, however, requires more than just an account of progressive movements and an account of Conservative Movements. Which movement is “progressive” and which is “Conservative” is a situated judgment in any case. Movements are an interaction between parties and less direct players in a given arena (Duyvendak and Jasper 2015). By studying a Conservative Movement in the otherwise quiescent space of patent policy, I expand Social Movements literature—and Power Devaluation Theory in particular—into a wider range of organizations. I explain how the Inventor-Activists, with their middle-class constituency, mobilized in the otherwise technocratic U.S. patent policy arena over the last decade.

¹⁰ That passion sometimes displaced persuasion, as when a session with the PTO Director was filibustered by personal invention stories that were planned by Inventor-Activist organizers to be brief introductions as mere prelude to a policy discussion (Field Notes).

In doing so, I draw heavily on McVeigh’s Power Devaluation Theory (“PDT”) (Johnston et al. 2025; McVeigh 1999, 2009, 2014, 2022, 2024a; McVeigh et al. 2014; McVeigh and Estep 2020). As with many studies of Conservative Movements, PDT focuses on threats to entrenched interests. It elaborates the types of significant threats that have motivated collective action in right-wing movements from the Ku Klux Klan, to the White Nationalists of Charlottesville, to the quasi-partisan Tea Party. Below, I discuss the different meanings of Conservative and Right-Wing movements. For now, although PDT claims to be and often is criticized for being applicable only to Right-Wing and Conservative Movements, I note that its articulation and application are in important respects more broadly applicable to Social Movements. McVeigh expressly cautions that just because a movement is conservative in its aims and involves well-heeled interests does not mean we can assume that it is automatically a movement of privileged cultural elites with institutional access and organizational capacity—those are variables to be measured and, as in the case of the Inventor-Activists, are not always correlated. Moreover, in applying the theory, McVeigh and colleagues draw synthetically and helpfully on the work of scholars of progressive movements on framing, organizations, grievances, and threats to explain how such stimuli become can become collective action, a synthetic approach to earlier theory that I emulate here.

In Chapter 4, I explain further how concrete threats can be particularly mobilizing for a Social Movement. “Concrete,” as I use it here means that a threat is imminent, specific, and significant. People who perceive such concrete threats are amenable to mobilization. A study of immigrant mobilization in New York City illustrates the point neatly (Zepeda-Millán 2014). When an anti-immigrant bill was proposed in Congress in 2006, immigrant rights activists were able to turn out many Latino immigrants to protest the threat. Those groups perceived the bill as a looming threat targeting them specifically, and the stakes were removal from the United States. Other parts of the immigrant community did not rally, however, because they thought the bill was targeted at Mexicans or Latinos and did not represent a threat specific to their communities.

Loss of patents is a loss of economic and status power that is specific and significant to Independent Inventors. Although their share of the patent space has been gradually eroding for some time, a spark lit in mid-2010s—consideration of a particularly threatening bill called the Innovation Act—ignited a new wave of activism (Morinville 2015). In response to the then-imminent threat, some Inventor-Activists innovated tactically with protests and organizationally with the launch of U.S. Inventor and an ever-larger group of advocacy organizations on patent policy. The story, ultimately, is one of agency—organizational and tactical innovation in service of both parochial and nationalistic ends and provoked by a specific threat. It is a story about how some Independent Inventors invented a Social Movement.

To explain why the protest movement began when it did, and why only some Inventors participated, I performed a multi-methodological case study of the Inventor-Activists’ mobilization. I targeted various levels of analysis – macro, micro, meso – in movement mobilization, addressing them in the subsequent empirical chapters. At the macro level, I reviewed legal doctrine on patents, legislative histories, and repositories of social knowledge like Wikipedia. At the meso level, I collected information online about Independent Inventor Organizations and conducted ethnographic research at such groups. I conducted interviews with

Independent Inventors and other participants in Independent Inventor Organizations to learn more about the field generally, the organizations in which they had participated, and about them as individuals. I summarize the specific methods and data I rely upon in the chapter(s) in which they are employed, but a more detailed discussion of such issues is in the Methodological Appendix.

In the balance of this Introduction, I introduce core concepts that will be used throughout the dissertation and describe its organization.

1.3 Threshold Questions and Definitions

An important threshold question is whether the Inventor-Activists' mobilization ought to be considered a Social Movement. It is not a mass movement, it does not aim for broad-based social transformation, and it has engaged in institutionalized politics. Perhaps it might be more appropriate to characterize the Inventor-Activists as an "interest group" and consign them to the treatment of political scientists?

I define a Social Movement capaciously as a sustained effort, featuring extra-institutional tactics, to change society or resist social change sought by others (D. A. Snow et al. 2004).¹¹ Importantly, this definition includes no size requirement, no criteria as to ideological valence or breadth of goals, and no absolute prohibition on involvement in institutionalized politics. Nor do I understand a need for such a rigid separation of disciplines and objects of study. In a "social movement society" the distinction between conventional politics and social movement action is likely to be blurry in any case (D. S. Meyer and Tarrow 1997). Social movement scholars thus have made significant strides in explaining the interrelationship of movement and party politics recently, drawing on theories of social movements to explain partisan developments and vice-versa (Braunstein 2017; Heaney and Rojas 2015; McAdam and Tarrow 2010; McVeigh and Estep 2020; Tarrow 2021). The definition of Social Movement I adopt here has the advantage of admitting these forms of collective action. Its chief components are sustained collective contention with regular extra-institutional action, and the Inventor-Activists' mobilization described above meets this definition.

Describing the Inventor-Activists as comprising a Social Movement is also consistent with their self-representation. Indeed, one of the most frequent criticisms of the Inventor-Activists that I heard from outsiders was a belief that they were only play-acting as a Social Movement but were really astroturf, financed by some dark-money, pro-patent interest. While I haven't been able to verify funding sources, the astroturf accusation isn't consistent with my interviews or with any other data I have been able to uncover. The Inventor-Activists seem to be true believers.

One important way I deviate from the Inventor-Activists' self-description, however, is in characterizing them as a Conservative Movement. By Conservative Movement, I mean a Social Movement in defense of privilege (Dietrich 2015; Lo 1982:108; McVeigh 2014:17). Such movements tend to be conservative in that, in defending incumbent privileges, they often defend the system that generated such privilege. By Conservative Movement, I do not mean to include

¹¹ Throughout the dissertation, defined terms will be capitalized.

either the specific coalition that underlies the modern Republican Party nor the rightist fringe, although that label is sometimes used for such groups. The former, which I would characterize as the Contemporary Conservative Movement, emphasizes the time-bound and contingent nature of such alliances (Blee and Creasap 2010b, 270–71; Carlson 2023, 19; McGirr 2015, 10–11). The latter, which includes fascistic groups as well as the White Nationalists in Charlottesville, I would characterize as Right-Wing Movements (Blee and Creasap 2010b, 270–71; McGirr 2015, 10). The Inventor-Activists are neither well-integrated into Republican politics—they officially espouse a non-partisan or bi-partisan ideology and in fact commonly operate on the right-wing, libertarian fringe—nor are they Right-Wing advocates of violence or White supremacy. In this regard, they more closely resemble the Tea Party. For now, this is mostly a terminological distinction. McVeigh has applied his theory to the full range of these groups. It is an empirical question, to be addressed in subsequent chapters, the extent to which the Inventor-Activists fit within a particular sub-category of rightist movements. In fact, all the founders of U.S. Inventor espouse personal politics that sound in that Jacksonian, proto-Republican register and the Tea Party Patriots have been a significant supporter of their efforts (something that did not go unnoticed by other Inventors). So for now, I will use the relatively moderate descriptor “Conservative Movement.”

It is also useful to be explicit about what I mean by Inventors, who are the chief subjects of this dissertation. An Inventor is someone who has created a product or process that is materially different than the prior art in that field (*i.e.*, an invention—more on this in the next chapter) (Mokyr 1990, 10). It is important to distinguish Inventors from other related categories. Innovators, for example, are an overlapping but distinct group from Inventors (Christensen 2011; Thomas P. Hughes 2004; Isaacson 2015; Wisnioski et al. 2019). Inventors generate the next best thing; Innovators take new things to market. Makers, another similar group, enjoy crafting items, but the items may not be novel and the makers are less likely to be entrepreneurial than an Inventor or Innovator (C. Anderson 2012; Hatch 2013).

The patent system, which will be described in more detail in the next chapter, is a way of regulating claims to inventions and, by extension, helps to create and police the boundaries of the category and status “Inventor.” Not all Inventors can or do participate in the patent system, so it also is important to distinguish between Inventors and Inventors who patent. Obtaining a patent is one indicator of Inventor status. It is not dispositive, as we will see in Chapter 3.

Independent Inventors are a subspecies of Inventor. An Independent Inventor is someone who engages in inventive work at their own direction and for their own benefit (Thomas P. Hughes 2004). This definition excludes people who are hired by another to do inventive work or people who invent incidentally to their occupation.

Of note to their mobilization, there is an extensive network of civil society organizations run by or dedicated to the interest of Independent Inventors, which I refer to as Independent Inventor Organizations. By “civil society organizations,” I mean to exclude for-profit groups as well as other types of groups like academic institutions, corporate labs, or government agencies. This leaves clubs, museums, foundations, educational organizations, and advocacy groups. See the Methodological Appendix for further information on how I operationalized this distinction and Chapter 6 for a discussion of the organizational field for Independent Inventors.

A few of these organizations are dedicated to the interests of Inventor-Activists, or Inventors and allies who have participated in one or more extra-institutional activity on behalf of Independent Inventors. Chief among these is U.S. Inventor, an important organizational subject of this dissertation.

1.4 Research Questions and Chapter Outline

My dissertation asks why some Inventor-Activists, such as those at U.S. Inventor, mobilized as a Social Movement in the mid-2010s. This entails two subsidiary questions: “why then?” and “why them?” The four empirical chapters are divided evenly between those questions.

Before moving to my empirical findings, however, the next chapter provides introduces relevant aspects of U.S. patent law. A certain amount of legal knowledge is prerequisite to understanding the Inventor-Activists’ mobilization, as their grievances relate to recent changes in the patent system. Chapter 2 therefore explains the business of inventing, the basics of U.S. patent law historically, recent changes to the law, and why some of those changes have animated the Inventor-Activists’ grievances.

Chapters 3 and 4 ask “why then?” about the emergence of the Inventor-Activists’ movement. Chapter 3 addresses the cultural privilege of Inventors across a broad timeframe. The consensus among scholars is that the economic significance of Independent Inventors has diminished over time. Some have suggested that Independent Inventors’ cultural significance has declined concomitantly, although they have offered little more than *ipse dixit*. Others have written about Independent Inventors’ persistence, albeit anecdotally, as an archetypal identity that retains significant cultural power—a social status. This chapter uses qualitative data drawn from my field work with Inventor Organizations, quantitative data from a study of Wikipedia biographies, and data on patenting by Independent Inventors to assess whether “Inventor” retains valued status in the inventor community and in society more broadly despite the reported decline in Independent Inventors’ economic significance.

Turning from historical context to short-term stimulus, Chapter 4 asks what, if anything, was different about the threats Independent Inventors faced in the mid-2010s that would explain their mobilization at that time. Drawing on interviews with Key Informants as well, the history of recent patent law changes, and a quantitative analysis of institutional records, it finds that the then-pending Innovation Act represented a unique threat to Independent Inventors—a financial threat that would exacerbate their economic precarity and a cultural threat that threatened to complicate Independent Inventors’ efforts to trade politically on their cultural standing.

But knowing why the circumstances in the mid-2010s favored Inventor-Activists’ mobilization does not explain why only some Independent Inventors became Inventor-Activists at that time. Chapters 5 and 6, respectively, analyze differences between Independent Inventors and Inventor-Activists at the individual and organizational levels to address this question.

Chapter 5 asks why only some Independent Inventors become Inventor-Activists. Based on participant observation of Independent Inventor Organizations, along with interviews with

Inventors who participated in protest and those who have not, it explores the factors that excite and inhibit their mobilization, both as a disposition and in action. The degree to which one invests in and is aggrieved by the patent system strongly determines whether an Independent Inventor becomes an Inventor-Activist. So does whether they contact an agent of transformation like U.S. Inventor or the Tea Party.

Chapter 6 examines the mobilization of Inventor-Activists at the organizational level. To what extent did organizational networks and resources affect which Independent Inventors became Inventor-Activists? Faced with the choice of leveraging pre-existing Independent Inventor Organizations or forming new groups, I find based on interviews with Key Informants, analysis of organizational ephemera, and analysis of a dataset on Independent Inventor Organizations, the Inventor-Activists were forced to choose the latter. Existing groups were unwilling or unable to engaged in Social Movement tactics like protest, so the Inventor-Activists formed U.S. Inventor to be the vehicle for their activism.

The Conclusion reflects on the impact of the Inventor-Activists' mobilization thus far and lessons from this case for the study of Social Movements and for patent policy. The movement's impact and durability are both subject to ongoing challenges, so it is too soon to calculate its effect. But we will learn much about Social Movements. The ways in which movements respond to concrete and multifaceted threats, for example, will be a recurring theme. More generally, paying attention to the interplay between movements and their opponents at different units of analysis and across different domains of power widens the lens beyond the motivations and actions of social movement participants to consider the organizational and institutional constraints and opportunities for their actions. For patent policy, it reveals the ways in which the American technocracy long thought to govern patent policy may be vulnerable; Inventor-Activists with their demonstrative politics seem to be gaining a beachhead. In which case this study ought also serve as a warning that patent policy is not immune to the polarization and partisanship that have plagued other aspects of American politics.

Chapter 2

Background on Inventing and Patents

Is it reasonable to make a man feel as if, in inventing an ingenious improvement meant to do good, he had done something wrong? How else can a man feel, when he is met by such difficulties at every turn? All inventors taking out a Patent MUST feel so. And look at the expense. How hard on me, and how hard on the country if there's any merit in me (and my invention is took up now, I am thankful to say, and doing well), to put me to all that expense before I can move a finger! (Dickens 1850)

Legally, an Inventor is a person who makes a technological creation distinct from the prior art (Mokyr 1990, 10).¹² Culturally, the romantic, mythological conception of the lone Inventor, as articulated by Dickens in the epigraph above, is someone toiling away at great personal cost in the hope of developing a new technology for the benefit of their fellow humans—and often being frustrated in the doing by onerous patent office machinations (see Chapter 3). Although largely divorced from the empirical reality of invention then and now (Lemley 2012; Silbey 2014), that romantic lone Inventor is core to the logic of the contemporary American patent system (Bracha 2016). Patents are heroic Inventors’ rewards, in policy terms. The dominant theory of patents is the incentive theory: We need to provide Inventors with a temporary exclusive right to their inventions so that they can recoup their investments into developing technology and make enough profit for it to have been worth their time. In the words of Abraham Lincoln, himself a patented inventor (*see* U.S. Patent No. 6,469), patents contribute “the fuel of interest to the fire of genius, in the discovery and production of new and useful things” (Lincoln 1858).

The “fuel of interest” a patent provides is the exclusive right to make, use, sell, or import the new technology. Patents forbid anyone other than the owner from using the technology that the patent claims. Theoretically, this exclusivity will allow the Inventor, or patent owner, to recover a price premium on products or services using their new state-of-the-art technology, because they need not fear price competition for the technology while they have the exclusive right to use the technology.

An Inventor’s choice about whether to take advantage of the patent system is not straightforward, however. Inventors don’t always file for patents. They have options for what they can do with their invention—and an industry of books, websites, coaches, and invention development firms who are ready to tell them what to do with their invention, for a fee.

Because this dissertation focuses on Inventors—the Independent Inventors of historical myth and contemporary activism specifically—this background chapter begins with the business and patenting strategies available to Independent Inventors. This helps contextualize discussion of the patent law and its impact on the Independent Inventors’ business prospects later in the chapter. It also helps contextualize the Independent Inventors’ interests and variation therein discussed in later chapters.

2.1 Business Strategies of Independent Inventors

Recall from the Introduction that there is a distinction between Inventors and Innovators. It is Innovators who are focused on bringing products to market. Inventors work at the prior, conceptual stage of developing the technology that can go into such a product—many of them never do more.

¹² By “patents,” I am referring to utility patents, or patents for new and useful products or processes. The United States also awards patents for designs and plants, but those systems are beyond the scope of this dissertation and generally not of interest to the Independent Inventors I observed.

Probably the most common thing that is done with an invention, then, is nothing. Most inventions are never developed into commercial products. Even if an Inventor goes to the trouble of obtaining a patent, that does not mean they will make a product with the claimed technology. A commonly cited (if under-sourced) statistic is that less than 10% of patented Inventions are ever commercialized, although more recent research has suggested the number might be 20% or more for at least for some classes of patents (Bottai et al. 2025).

Inventors need not obtain patents at all, even if they do want to go public with their creations. Inventors can give away their technological creations without seeking exclusive rights. This is the ethic that underlies open-source computing, for example (Grodzinsky et al. 2003).¹³

If they do choose to sell their new technology, Inventors have the further decision of whether to do so themselves or license someone else to handle the commercialization efforts for them. Patents are common, but not required, on either course.

Entrepreneurial Inventors can use their new technology themselves by building a company to sell a product or service that uses that technology. Setting up a new firm, especially if it addresses an existing market, can be a capital-intensive undertaking that may be prohibitively expensive for the Independent Inventor. Such “bootstrap” ventures do exist and sometimes succeed; I met several Independent Inventors in my field work who were making a go at such an approach. Alternatively, entrepreneurial Independent Inventors can seek financing to help support their efforts. Patents are commonly required to obtain funding, or to secure personal investments in a venture to sell patented technology.

Inventors who don’t want to run a business can license their technology to one or more others. Payments for use of a technology, called royalties, may be made as a lump sum or on a running basis, depending on sales or usage. Patents are common in such transactions but are not required. What would a company be licensing if there was no patent? They would likely acquire the Inventor’s cooperation in acquiring intellectual property in the future, should they choose to do so. At a minimum, they would acquire an estoppel against the licensor, preventing them from later claiming ownership over the invention. Recognizing the uncertainty of license scope, the fee for such licenses, especially in the consumer space where they occur most frequently, is small. Licensing inventions without patents is a volume business for minor inventions (Key 2015).

Why would an Inventor not patent a new technology? In addition to ideological reasons, patents can be expensive to obtain and maintain. The cost of obtaining a patent quickly runs into the tens of thousands and the PTO requires issuance and maintenance fees based on the size of the patent owner (Quinn 2015). Patents can be used to stop others from using the technology or force them to pay damages—but an Inventor is free to compete with such firms in other ways.

Just because an Inventor does not obtain a patent does not mean they cannot protect their exclusivity over an invention with other forms of intellectual property. Trademark and similar

¹³ It is worth noting that open-source advocates like Linus Torvalds, who created the massively popular open-source platforms Linux and Git, found other ways to profit from their creations.

rules protect branding, for example. Even the underlying technology can be protected so long as it can be kept secret. State laws provide a patchwork of protections for trade secrets and the Defend Trade Secrets Act was passed at the federal level in 2016 (18 U.S.C. § 1836). Trade secrecy can be effective for protecting inventions not susceptible to reverse engineering, such as complex algorithms.

Such a strategy is not without risk, though. Without a patent, lawfully-obtained reverse-engineered copies of an invention are legal (setting aside branding). A company with other competitive advantages could copy the product and sell it as their own without fear of penalty for the copying. Patents theoretically prevent this, by securing the right to exclude others from practicing the invention claimed.

Although not relevant to every Inventor, patents are thought to be especially important for Independent Inventors. Independent Inventors definitionally don't work for a firm (outside of their own typically small- to medium-sized enterprises). They lack the economies of scale, distribution networks, and budgets of large firms such that generally they cannot compete in a head-to-head contest with a market incumbent. They are generally middle class. That's why some Inventor-Activists describe patents as a "free-market antitrust"—they enable the Independent Inventor to protect and commercialize their inventions themselves or via an agent so their new products can enter markets from which they would otherwise be excluded, increasing competition and consumer welfare. Or at least that's how the Inventor-Activists think patents are supposed to work.

2.2 Making “Traditional” Patent Rules

Inventor-Activists are always keen to point out that patents are in the U.S. Constitution. The only time the word “right” appears in the original Constitution is in the Intellectual Property Clause in connection with the “Right[s]” of Authors and Inventors. Those rights of Inventors, they reason, must therefore be at least as important as free speech and the other rights consigned to mere Constitutional amendments. This is a sort of “traditional” Constitutional knowledge that is potent, even fetishistic, and based in myth (Franks 2019). Constitutional law scholars seek to distinguish “tradition” from other more empirically grounded versions of history when, for example, interpreting the historical meaning of the Constitution and statutes (Solum and Barnett 2023). It actually took sixty years after the Declaration of Independence before the modern patent system was created and the conception of patents as “rights” in the way we understand today came into being in the 1836 Patent Act (Bracha 2016).

The Intellectual Property Clause appears in Article I, Section 8 of the U.S. Constitution, among the powers delegated to Congress. In context it reads, “The Congress shall have Power ... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” These are powers of Congress, rather than duties: things that Congress may do but is not required to do. Setting up a patent system was at Congress's discretion.

Congress did act promptly, however, recognizing the value of technology to the young Republic. It passed the 1790 Patent Act in the second session of the 1st Congress and the Act was signed by

President Washington, but that patent system would not be recognizable to today's Inventor-Activists.

The 1790 Patent Act authorized a newly created Patent Board to grant “any person or persons” a patent on inventions “not before known or used” if the Patent Board “shall deem the invention or discovery sufficiently useful and important.”¹⁴ The august Patent Board was composed of the Secretary of State, Secretary of War, and Attorney General: Thomas Jefferson, Henry Knox, and Edmund Randolph, respectively. They took their charge to identify sufficiently useful and important inventions seriously, deliberating at length on each application—when their busy schedules would permit, which was not often. The slow pace of examination was the subject of much consternation. Moreover, the discretionary nature of examining inventions for their importance smacked of British royal prerogatives, which the newly independent colonists did not easily abide. Congress reformed the system just three years later.

With the patent system under the 1790 Act too constraining of innovation, Congress was determined the 1793 Patent Act would be radically solicitous of new technologies. When Washington signed the 1793 Act, the U.S. dispensed with examination of patent applications altogether. Instead, patents were obtained by registration, their validity and scope to be litigated *ex post* by private parties in lawsuits for patent infringement. This system was widely abused, with numerous fraudulent claims of invention and patent infringement, alongside defensive challenges to patent validity, burdening emerging industry and the courts. The system (as the 1790 Act) was also limited to U.S. citizens, which encouraged a burgeoning industry in patenting in the United States “new” technologies imported from overseas.

Congress passed a statute enacting something resembling the modern U.S. patent system in 1836. Signed into law on July 4, the 1836 Patent Act bureaucratized U.S. patent examination and issuance and eliminated citizens' exclusive right to patents. On application, an examiner would determine if a patent was novel and useful, and if so, and the application was sufficiently detailed, a patent would issue. The Patent Office was granted some autonomy in the examination and issuance of patents, although application and patentability requirements were specified with greater clarity. The result was that the 1836 Patent Act democratized U.S. patent law, allowing anyone with a new idea that met the standards of the act to obtain a patent—and thereby some space in the market in which to develop that idea into an innovation (Khan 2009). It was a populist reform (Wilf 2023). If not in practice, at least in theory the 1836 Act transformed patents from unstable public privileges to a new sort of public “entitlement” akin to a civil right (Bracha 2016). Indeed, the patent system's ostensible meritocracy—and the civic membership of Inventors who used it—was reaffirmed in public demonstrations of its inclusion of minorities, however tokenistic the performance or under-representative the patent system remained throughout Jim Crow and other periods of racial violence (Cook 2014; Fouché 2005; A. Morris 2018; Swanson 2022b). Use of such metrics, and the social scientific study of invention as

¹⁴ Because the 1790 Patent Act required applicant(s) to set forth a declaration stating that “he, she, or they” had invented the subject of their application, some Inventor-Activists insist that the Patent Act was inclusive of women and other minorities. Although textually accurate, in practice women have long been underrepresented among named Inventors on U.S. patents—as have Black Inventors and members of other minority groups.

patenting, was facilitated by publication of issued patents, a bureaucratic innovation the Patent Office began in 1872.

The last significant revision to the U.S. Patent Act to constitute the “modern” regime was the 1952 Patent Act. With the growth of research and development infrastructure, concern grew about what we now call the “anticommons” problem in patent law, or the concern that over-enforcement of intellectual property can stifle, rather than promote, progress by cutting off researchers’ access to important technological building blocks of the future (Heller and Eisenberg 1998). To novelty and utility, then, the 1952 Act added the patentability requirement that a claimed technology be non-obvious, or materially different than the prior art when judged from the perspective of an ordinary practitioner of that art.¹⁵

2.3 Modern Patent Law

Since 1836, the U.S. patent system has remained examination-based. Applicants with patentable inventions trade secrecy for exclusivity, publicly disclosing their inventions to the PTO for a bundle of time-bound exclusive rights to practicing those inventions.

The process of getting a patent issued by the PTO, from examination to issuance, is called patent prosecution. Applicants describe their inventions, and the PTO assesses the application against the rules from the Patent Act, relevant caselaw, and PTO guidelines like the Manual of Patent Examining and Procedure. The patent law requires applicants to publicly describe their inventions in sufficient detail to allow a person having ordinary skill in the art—patent-speak for the average level of expertise in the field of invention—to make and use the claimed invention (35 U.S.C. § 112).

The most important part of a patent and the application therefor are the “claims” (35 U.S.C. § 112). These stylized and often lengthy sentences at the conclusion of a patent precisely define the invention; they are the legally operative description of an issued patent’s scope. Although the language of the claims is paramount, that language is interpreted in light of the patent specification—which is the required description of the patented technology that precedes the claims and may include one or more drawings—and the prosecution history or “file wrapper”—the written record of negotiations between the patent applicant and the patent examiner about the permissible scope of the claimed invention. Both the specification and the prosecution history, like the claims, are to be interpreted from the perspective of a person of ordinary skill in the art. *See, e.g., Markman et al. v. Westview Instruments, Inc.*, 517 U.S. 370 (1996).

An examiner determines whether each patent application covers patent-eligible subject matter (35 U.S.C. § 101) and whether it is novel and nonobvious when viewed in light of earlier work, called “prior art” (35 U.S.C. §§ 102-03). If it is, they can issue the patent straightaway. More likely, they will reject the application—maybe several times—as they negotiate a different and perhaps narrower scope for the claims with the applicant.

¹⁵ The precise contours of the test for non-obviousness have changed considerably since 1952. I address the most recent such change below in the section on Recent Patent Reforms.

On average, a U.S. patent examiner spends only nineteen hours reviewing an application: reading the application, searching for prior art, comparing the prior art with the application, writing a rejection, responding to the patent applicant's arguments, and often conducting an interview with the applicant's attorney. If, over these hours, examiners are unable to conduct a sufficient search of prior art and articulate a proper basis of rejection, they are legally expected to allow applications. (Frakes and Wasserman 2017, 552)

Given the time constraints for examiners, mistakes can be made; patents that should not have been granted do get granted. That is why issued patents can be invalidated, despite a presumption in favor of their validity.

The permissible scope of patentable subject matter is very broad. The Patent Act provides that “Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title” (35 U.S.C. § 101). That language—“*any* new or useful” process or product is capacious.

Novelty, another patentability requirement, refers to the literal difference between a claimed invention and a single piece of prior art (35 U.S.C. § 102). To be patentable, an invention can't have been created by someone else earlier. An earlier work that describes an invention—an earlier patent, product, or printed publication—is said to “anticipate” a claimed invention when it includes every element of the patent claim; the anticipated claims would be rejected for lack of novelty.

Non-obviousness refers to the patentability requirement, added in 1952, that differences between the invention and the cumulative prior art be material (35 U.S.C. § 103). Before 2007, this meant that one or more element of a claimed patent was missing in the prior art, taken alone or in combination, or that there was no “teaching, suggestion, or motivation” in that art to make such a combination—a determination in the making of which courts tried, with difficulty, to avoid hindsight bias.

If—generally after argument and/or amendment of the application, including the claims—the examiner is satisfied that the application meets the requirements for patentability or at least has not found a basis for rejection, the PTO will issue a patent (Frakes and Wasserman 2017). Put another way, if they provide an adequate application that meets the patentability requirements, a patent applicant is entitled to a patent after they pay the pertinent fees (Bracha 2016). Before 1995, patent terms extended for 17 years from the date the patent was issued. Since 1995, the U.S. has harmonized its patent regime with international rules, granting patents for 20 years from the date of the patent's earliest effective application date.¹⁶

¹⁶ It is good practice for patent applicants to file multiple patent applications covering different wordings of and applications for their patented technology if they hope to acquire maximum exclusivity. One patent application can be used to support multiple subsequent applications so long as the claims in the applications are distinct and they are supported by the specification. In such cases, the entire patent family shares the date of the first application to be filed.

An issued patent provides the owner the right to sue someone who, without license, “makes, uses, offers to sell, or sells” the patented invention within the United States (35 U.S.C. § 271). Remedies for utility patent infringement include monetary damages, which may be trebled in cases of willful infringement or other exceptional cases (35 U.S.C. § 284), and/or an injunction against continued use of the patented invention (35 U.S.C. § 283). Prior to 2006, there was a presumption that a prevailing patentee was entitled to an injunction; to enforce their exclusive rights, a patent owner was generally to be granted an order precluding the defendant from using their patented technology going forward. Attorney fees and other costs also are available in exceptional cases, as when parties are bad actors in the litigation, pursue frivolous claims, or engage in some other form of misconduct. To defend against an infringement case, an accused infringer can disprove the infringement allegations, prove that the patent is invalid (*i.e.*, that it actually fails to meet one of the requirements for patentability and should not have been granted), or prove that it is unenforceable for some equitable reason (35 U.S.C. § 282).¹⁷

Patent litigation is notoriously labyrinthine, which is one of the reasons that it is a specialized practice (Laumann and Heinz 1982). All suits arising under the patent laws must commence in federal district courts (28 U.S.C. § 1338(a)).¹⁸ They begin when a patentee sues an alleged infringer, or when someone with reasonable apprehension that they will be brought into such a case files a declaratory judgment case seeking to negate that possibility. Pretrial discovery in patent litigation can be expensive, often involving *sui generis* local rules of procedure set by individual district courts. But patent litigation in federal court also includes an additional step not present in most other federal cases called “claim construction.” At this stage, the parties brief the court on the meaning of the patent claims at issue in the case—which may include related discovery—and the court issues an order construing any contested terms so that everyone is clear on the legal scope of the patent. If the parties are unable to resolve their dispute in light of the court’s construction, a patentee is entitled to a jury trial on questions of fact, including infringement, novelty and damages, and to a bench trial on questions of law, including non-obviousness, any equitable defenses, and injunctive relief. An erroneous claim construction, or any other material error in patent law or procedure, can require remand for a new trial.

¹⁷ This includes various types of “inequitable conduct” in the prosecution of a patent, such as concealing or misrepresenting the prior art, or improper attempts to enforce the patent.

¹⁸ Patentees can bring other types of enforcement actions in different venues. Private arbitration of patent license agreements is common, for example. Patentees who have made substantial investments in a domestic industry based on a patented technology may also seek at the International Trade Commission an order excluding the importation of products practicing that technology, which will be enforced by U.S. Customs and Border Protection. This is a highly effective, relatively rapid strategy especially for high-technology markets with their overseas supply lines. Certain claims against the government can be brought in the Court of Federal Claims.

Since 1982, all appeals in cases “arising under” the patent laws go to the Federal Circuit Court of Appeals, which sits in Washington, DC (28 U.S.C. § 1295(a)(1)).¹⁹ This unified appellate procedure for patent cases gives the Federal Circuit tremendous power to shape the development of patent law (Gugliuzza 2012). It also minimizes one of the main paths for cases to reach the Supreme Court—splits between Circuit Courts. There are no other Circuit Courts that rule on the substance of patent law.

2.4 Politics of Patent Reform

Patent law has not been a partisan issue historically. The 1952 Patent Act was passed on voice votes in the House and Senate, indicating lack of meaningful opposition. To the extent there are political cleavages on patent policy in the United States, they tend to be ideological or sectoral. The adoption of the 2011 America Invents Act, discussed in more detail below, is exemplary of the odd, bipartisan coalitions that make patent policy in the United States. The bill passed both houses of Congress on lopsided votes with members of each party among the yays and nays. In the Senate, the bill passed by a final vote of 89 to 9. To provide one tractable example of the strange bedfellows in patent policymaking, the nine nays included moderates and extremists from both parties: Democrats Barbara Boxer (CA), Maria Cantwell (WA) and Claire McCaskill (MO) voted with Republicans Tom Coburn (OK), Jim DeMint (SC), Ron Johnson (WI), Mike Lee (UT), John McCain (AZ), and Rand Paul (KY).

Ideological positions on patents depend on whether one sees a patent as a restraint of trade or a promoter of trade. If patents are government-imposed monopolies, they are an evil to be tolerated. If they are Davids’ competitive tools against corporate Goliaths, they should be promoted. Those ideological divisions do not map neatly onto party lines. Pro-market Republicans can support patents as competitive tools while others can decry them as another example of burdensome government regulation. Social welfare-promoting Democrats can advocate investment in patents as tools for minority communities to force their way into the economy. Populists in either party can decry the use of patents by corporations or other elites to concentrate power over an increasingly anomic citizenry (Case and Deaton 2021).

To the extent differences on patent policy are not ideological, they are thought to be sectoral, pitting industries (and lobbyists for industries) with long development cycles and a need to recoup up-front costs against industries with shorter cycles and a more pressing need for the latest technology (Bracha 2016; Brittain 2021; Lemley and Burk 2003; Scherer 2009). Paradigmatic of the former camp is thought to be the name-brand pharmaceutical industry; high-technology firms are thought to inhabit the anti-patent pole.

Some observers have suggested that the patent politics are not driven by firm sector, but rather by firm size. From the right, the line has been that big companies with other competitive advantages favor weakening patents (Barnett 2021, 2024). Simultaneously, though, critics from the left have assailed strong patents as an anticompetitive tool of those large companies (Lindsey

¹⁹ The Federal Circuit also hears appeals from the Court of Federal Claims, the Court of International Trade, The Court of Appeals for Veterans Claims, and a host of administrative agencies including the PTO and International Trade Commission.

and Teles 2019; Short 2022). In either case, the patent system is not thought to favor the Independent Inventors any longer.

2.5 Recent Patent Reforms

Although problems Independent Inventors face in navigating the patent system go back to Dickens and beyond, the modern, bureaucratized patent system in the U.S. was supposed to be an improvement. A wave of patent reforms beginning in the 2000s, however, altered this system for the worse from the perspective of the Inventor-Activists.

The collapse of the tech economy after the dot-com bubble burst in 2000 undercut financing for tech firms, which caused them to sell off their IP. Some acquirers of that IP tried to monetize it by licensing to or litigating against alleged users of the technology. Firms with that business model—the acquisition and enforcement of patents, without separate research and development or manufacturing businesses—became known as “patent trolls” for purportedly seeking unjustified royalty payments as tolls from Innovators. Given the high fixed costs of patent litigation, with its bespoke procedure and extensive discovery obligations, “patent trolls” could extract lucrative nuisance-value settlements that were cheaper than litigating a defense. “Patent trolls” were a source of significant concern in the patent community (Chien 2009; C. Cotropia 2009; C. A. Cotropia et al. 2018; Khan 2013; Lemley and Zyontz 2021; Merges 2009; Risch 2014).

Concern about overly aggressive enforcement of “weak patents” led to a wave of patent reform efforts in courts and Congress designed to weaken the ability of “non-practicing entities” or “patent trolls” to enforce patents. A Patent Reform Act circulated in multiple Congresses. But the first major change to the patent law that the Inventor-Activists now cite as a principal grievance came from the Supreme Court.

In *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 288 (2006), the Supreme Court eliminated the presumption in favor of injunctive relief in successful patent infringement cases. In other words, the Court ruled that patent owners who won an infringement suit were not presumptively entitled to an order stopping the adjudged infringer from selling the infringing product. Money damages for infringement would be the default remedy in patent infringement cases. Patent owners would have to prove that they were entitled to an injunction based on the same four factors prevailing plaintiffs had to prove to get an injunction in other types of cases: (1) that they would suffer irreparable harm absent an injunction; (2) that money damages would be insufficient to compensate the plaintiff for the infringement; (3) that an injunction is warranted considering the balance of hardships between the parties; and (4) that the public interest does not militate against an injunction. That was a difficult burden to meet for plaintiffs who were not selling a product incorporating the patented technology. According to Inventor-Activists and their academic allies, that *eBay* made the default remedy in patent cases money damages created “efficient infringement,” whereby large firms willfully infringe patents held by smaller entities because, absent an injunction, the big company can afford to pay money damages as a cost of doing business. In reality, the picture is somewhat more complicated than that. After *eBay*, injunctions remain a common remedy in cases where a patent infringement plaintiff is a competitor of the

patent infringement defendant. Injunctions are much less common, however, where the patent owner does not compete directly with the defendant.

The next year, the Supreme Court again waded into patent policy—a rare burst of activity for the Court in a subject that it otherwise had avoided for some time. This time, the Supreme Court eliminated the “teaching-suggestion-or-motivation” standard for proving a patent invalid as obvious in light of a combination of prior art references, which basically required a strong indication in the references to combine them. The Court replaced that test with a much looser “obvious to try” standard, whereby a party challenging the validity of an issued patent must prove that a person of ordinary skill in the art would have found it obvious to combine known elements into the claimed invention. This was a more flexible test based on common sense, the knowledge of a skilled artisan, and economic incentives. Although an important change in the law, Inventor-Activists have not prioritized rolling back the law of obviousness in their efforts.

Subject-matter eligibility, on the other hand, is a significant concern for the Inventor-Activists and all patent stakeholders. In a series of decisions beginning in 2010, the Supreme Court narrowed the scope of material that may be patented.²⁰ Trying to exclude gene patents, algorithmic business methods, and internet-focused patents that “patent trolls” used to ensnare internet e-commerce and advertising platforms and their customers, the Court implemented a two-step test for subject matter eligibility that forbade patenting natural phenomena, laws of nature, or abstract ideas. This line of cases has been used to invalidate many computer-implemented technology patents, including patents on advanced technologies like artificial intelligence and quantum computing, and even some mechanical patents. More broadly, these decisions have generated significant uncertainty about the permissible scope of patentable subject matter as courts have struggled to implement clear rules that cohere with the other requirements for patentability like nonobviousness. Consensus is that the law of subject matter eligibility is a mess.

Another significant grievance for the Inventor-Activists, Congress enacted the most sweeping legislative patent reform since 1952 in the 2011 America Invents Act (“AIA”). As described above, the AIA passed with broad bipartisan support—304-117 in the House and 89-9 in the Senate. Pres. Barack Obama signed the bill on September 16, 2011.

The most immediate change wrought by the AIA was the transition of the United States from a first-to-invent to a first-to-file system. Before the AIA, the U.S. was largely alone internationally in awarding patents not to the first Inventor to file an application for a claimed invention, but to the first Inventor of that invention even if they had not filed for a patent yet. So long as they had not abandoned their invention, and had exercised reasonable diligence in pursuing it, the U.S. would award the invention to the prior Inventor over the prior Applicant. That ended with the

²⁰ *Bilski v. Kappos*, 561 U.S. 593 (2010) (finding abstract ideas are not patentable subject matter); *Mayo Collab. Svcs. v. Prometheus Labs.*, 566 U.S. 66 (2012); *Ass’n for Molecular Pathology v. Myriad Genetics*, 569 U.S. 576 (2013) (ruling naturally occurring genetic sequences are not patentable, even when they are synthetically created); *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208 (2014) (holding that implementing an abstract idea on a computer is insufficient for patent eligibility).

AIA—a subject of much concern to Independent Inventors at the time, although it did not lead to any protests.

The AIA also adopted a version of the post-grant review provision that had been circulating as part of proposed patent reform legislation for years. This provision has become a lightning rod for criticism by the Inventor-Activists and conservative allies. The AIA created a new procedure and administrative sub-agency for adjudicating the validity of certain issued patents. A challenger can test the validity of a granted patent in an *Inter Partes* Review (“IPR”) at the Patent Trial & Appeal Board (“PTAB”), an adjudicative tribunal within the PTO, with appeals to the Federal Circuit. IPR hearings have significantly different procedures than an adversarial trial for patent infringement or a declaratory judgment of invalidity, including that an IPR lacks a jury and does not involve patent infringement. The first final written decision in an IPR was issued in November 2013, invalidating patent claims. That decision was affirmed by the Federal Circuit in 2015. *In re Cuozzo Speed Technologies, LLC*, 793 F.3d 1268 (Fed. Cir. 2015). Since that time, the PTAB has been a rather effective forum for invalidating patent claims, even being dubbed the “Death Squad” for patents by a former Federal Circuit judge (“PTAB Death Squads” 2014). The Inventor-Activists criticize the PTAB for being a tool of Big Tech and other corporate interests that can be used to squelch the patents of Independent Inventors in procedures they claim are fundamentally unfair.

2.6 Current Reforms

The Inventor-Activists have not been alone in calling for change since they mobilized in 2015. There is growing momentum to modify or roll back at least some of the recent patent reforms.

Multiple pieces of patent reform legislation have been reintroduced across multiple Congresses with bipartisan support. Three bills have gotten a lot of attention. The Patent Eligibility Restoration Act (“PERA”) would codify rules for subject matter eligibility to clarify the currently uncertain application of Section 101. The Promoting and Respecting Economically Vital American Innovation Leadership (“PREVAIL”) Act reforms PTAB procedures to improve fairness for patentees. The Realizing Engineering, Science, and Technology Opportunities by Restoring Exclusive (“RESTORE”) Patent Rights Act would reverse the Supreme Court’s *eBay* decision and create a rebuttable presumption in favor of injunctive relief in patent infringement cases.

U.S. Inventor thus far has refused to support any of these proposals, opting instead to support the maximalist Restoring America’s Leadership in Innovation Act (“RALIA”). Introduced repeatedly by Rep. Thomas Massie, also sometimes with bipartisan cosponsors, that bill is a wishlist of the Inventor-Activists’ policy priorities: abolishing the PTAB, restoring the presumption of injunctive relief, returning to a first-to-invent system, and stopping the automatic publication of pending patent applications. The bill, with its broadside against the administrative PTAB, has attracted the support of multiple right-wing and other organizations, including Conservatives for Property Rights, Eagle Forum Education & Legal Defense Fund, Veterans Intellectual Property, and the Market Institute. It has not, however, neared passage.

The Inventor-Activists remain engaged on patent policy today, now more than ten years following their initial mobilization. The next chapter begins to answer the core empirical question of why they mobilized when they did—nearly ten years after the recent wave of patent reform to which they object was underway.

2.7 Conclusion

To summarize, Inventor-Activists have been aggrieved by recent patent reforms that they believe have negatively impacted their ability to obtain and enforce patents. These include most prominently restrictions on the ability to obtain injunctive relief, limitations on the scope of patentable subject matter, and the ease with which issued patents can be invalidated at the administrative PTAB. More broadly, Inventor-Activists view these legal developments as threatening their property rights in their patented inventions and undermining their cultural status as Inventors.

The following chapters examine the puzzles of why it took so long for Independent Inventors to organize and oppose this reform campaign and why only some Independent Inventors joined the fight. Independent Inventors are not a monolithic group. The rest of this dissertation examines how they differ with respect to the ways they contend about patent policy and why only some were willing to engage in protest when it broke out in 2015.

Chapter 3

Inventors in American Culture: Patents, Inventors, and Status

The title ‘inventor’ is society’s only honorific that any person can earn based solely on personal achievement. No educational milestone is required. Many of the most successful American inventors never attended college, or dropped out: Dean Kamen, Bill Gates, Steve Jobs, the Wright Brothers, Samuel Morse, the list goes on. Inventorship is one of the only remaining paths to upward social mobility that remains available to all. Inventors can succeed regardless of background or educational attainment. (Brief for US Inventor Inc. as *Amicus Curiae* in Support of Arthrex, Inc. at 5, *U.S. v. Arthrex, Inc.*, 594 U.S. ___, 141 S. Ct. 1970 (2021) (filed Dec. 31, 2020))

The dominant narrative about Independent Inventors in modern America is their decline. The age of heroic Independent Inventors is thought to have been replaced by the ever-increasing dominance of capitalist firms. With industrialization (and, later, digitization) came innovation and capital accumulation on a grand scale. Despite their famed historical contributions to the developing U.S. economy, Independent Inventors are thought by most academics to have been supplanted since the early part of the twentieth century by well-funded corporate engineers, university researchers, and tech entrepreneurs working in groups—Innovators, rather than mere Inventors (Gertner 2013; Isaacson 2015). The author of a noted technological history of the United States asserted that these Innovators lack the charisma of famous Inventors like Edison. As he put it, “Bill Gates has captured the American imagination, but he has not become a folk

hero like Edison or Ford” (Thomas P. Hughes 2004, xxvii). With loss of their economic significance, Inventors—especially Independent Inventors—may be losing their social status as well.

Loss of social status can lead to or shape Social Movement mobilization. Scholars of Conservative Movements, or movements in defense of privilege, have found that grievances and threats based upon actual or imminent loss of social status have favored right-wing movement mobilization in many cases, at a minimum providing a defensible framing for movements in defense of privilege (Blee and Creasap 2010a; Johnston et al. 2025; Lo 1982; McVeigh 2024b). Such movements can emerge to protect privilege in all sorts of domains, including cultural privilege (*i.e.*, high social status). Long-term loss of social status for a group can underlie grievances and help make tenable collective action frames that posit the decline of that group—Independent Inventors, for example—as an injustice (McVeigh 2014; McVeigh and Estep 2020; Skocpol and Williamson 2016).

While correlated with economic and political power, social status can vary independently. Law helps constitute social status in meaningful ways. Patents, for example, purport to define who is an Inventor of a given technology. In fact, it is specifically the title of “Inventor” on an issued U.S. patent that the epigraph to this chapter refers. Being named an Inventor on a U.S. patent is supposed to be a badge of honor, which can be earned—like martial awards—based on extraordinary personal accomplishment. Loss of patents or threats to the patent system may therefore represent status concerns for Inventors, in addition to being economic concerns, in that they limit Independent Inventors’ access to this esteemed status (Swanson 2018). This can provide increased motivation for action and increased likelihood of collective mobilization.

This chapter asks whether Inventors’ cultural power—their social status—has declined at the same time as Independent Inventors have purportedly been eclipsed economically. After situating the discussion in pertinent social movement theory, the chapter proceeds in three empirical parts. In the first part, I use qualitative tools to assess the extent to which the Independent Inventors I met conceptualized the identity of Inventor as social status and the imprecise relationship between that status and patenting. In the second part, I use computational text analysis to assess data external to the Inventor community—Wikipedia biographies—for whether the title of “Inventor” retains social status and a link to independence despite stories of Independent Inventors’ decline. In the third part, I use quantitative data from the Patent Office to assess Independent Inventors’ patenting behavior over time to determine the extent to which Independent Inventors continue to have access to that ostensibly most democratic of status symbols: the title of “Inventor” named on a U.S. patent.

3.1 Background

3.1.1 Social Status and Social Movement Mobilization

I argue in this dissertation that the emergence of the inventor-activist movement can best be interpreted as a Conservative Movement in defense of privilege. In doing so, I follow an exemplary embodiment of those theories in Power Devaluation Theory (“PDT”), which was developed by sociologist Rory McVeigh and colleagues as a corrective to then-dominant theories

of social movement emergence (McVeigh 1999, 2001, 2009, 2014; McVeigh et al. 2014; McVeigh and Estep 2020). Those theories, such as Resource Mobilization (Jenkins 1983; McCarthy and Zald 1977) and Political Process Theory (McAdam 1982), were based primarily on studies of relatively powerless, insurgent groups—as was much of the social movements field (Armstrong 2002; Bloemraad et al. 2016; Gamson 1990; J. J. Mansbridge and Morris 2001; Piven and Cloward 1978; Voss 1994). For such relatively disadvantaged groups, an infusion of resources or the emergence of a political opportunity may explain the timing of their mobilization. But for conservative groups, or groups defending incumbent social interests, they may already have at least some resources and some access to political institutions such that marginal increases in either aren't likely to generate change.

Instead of resource gains or expanding opportunities, McVeigh and colleagues find that grievances and threats that instantiate them better explain patterns of right-wing mobilization (McVeigh 1999, 2009; McVeigh and Estep 2020). Such mobilization typically occurs in defense of threatened privilege, or relative advantage in social power—a fairly consistent finding in right-wing studies (Blee and Creasap 2010a; Johnston et al. 2025; Lo 1982; McVeigh 2024b). McVeigh identifies three domains of such power, which he conceptualizes as exchange markets.²¹ In the economic market, people exchange money for goods and services. More money equals more power. In the political market, people exchange votes and money for “patronage”. More money and votes equal more power. McVeigh posits the cultural domain is also an exchange market. People exchange their performance of certain traits and values, exemplified in social categories, for social status. Higher status equals more power. Loss of indicia of power in any of these domains can be framed as grievances by movement organizers and serve as motivational fuel for movement participants. Loss of power across more than one domain is especially likely to lead to collective mobilization.

For McVeigh, the cultural domain of power, social status, comprises (1) a set of characteristics, especially those traits and behaviors with normative value, and (2) the esteem afforded by others to people who embody those characteristics. “Protestant” was such a high-status identity in McVeigh’s work, threats to which motivated Conservative and Right-Wing Movements in the United States across eras.

Although “status” is something of a controversial concept in the field, at this level of generality sociologists have long accepted a conception of “social status” that reflects at least (1) the assertion of a characteristic by an individual and (2) the bestowal of social approbation for displaying that characteristic. Weber, for example, defined “social status” as:

[A] typically effective claim to positive or negative privilege with respect to social prestige so far as it rests on one or more of the following bases: (a) mode of living, (b) a formal process of education which may consist in empirical or rational training and the acquisition of the corresponding modes of life, or (c) on the prestige of birth, or of an occupation. (Weber and Eisenstadt 1968, 206)

²¹ For a particularly concise summary of the theory, see McVeigh (2014).

Like McVeigh's exchange theory, Weber's conception of status recognizes this two-fold conception of status in the ability to effectively claim privileges (socially bestowed prestige) based on the various earned or ascriptive characteristics (performed traits and values).²² Independent Inventors fit squarely within Weber's conception: like the lawyers called to the bar in his work, Inventors on issued patents enjoy both exclusive rights and social esteem for performing their vocation (see next section on Independent Inventors as archetypal American heroes). Indeed, Weber goes on to note that social status often manifests as "monopolistic appropriation of privileged economic opportunities and also prohibition of certain modes of acquisition" (Weber and Eisenstadt 1968, 206), which closely approximates a patentee's exclusive rights to a claimed invention.

Social status matters to people. When the status of a group is threatened, that group may mobilize in defense thereof. The Ku Klux Klan, for example, drew on perceived threats to the status of Protestant Christians to mobilize its supporters (McVeigh 1999, 2009). Those threats included increasing Catholic immigration and perceived threats from others who did not perform Protestant values—drinkers and the like. Claims to protect Protestants and their values could be articulated publicly in a way that motivated otherwise relatively well-off people to join a social movement, even if those status claims also protected prejudice and privilege.

Studies of more recent Conservative Movements have similarly found anxiety around social status—along with waning economic opportunity and political influence—to underlie the grievances behind such movements (Cramer 2016; Lo 1982; Skocpol and Williamson 2016). Participants in such movements resent the devaluation of their power on these dimensions, especially when that results in public resources flowing to the undeserving elite or underclass (Cramer 2016; HoSang and Lowndes 2019; Skocpol and Williamson 2016; Williamson 2019). Extending his work on power devaluation in Right-Wing Movements to intra-party conflicts, McVeigh and colleagues have applied his theory, including its focus on status, to the Tea Party (McVeigh 2014; McVeigh et al. 2014) while McVeigh and Estep (2020) find similar dynamics animated the Trump movement: Concerns about losing a "real" America manifested as worries about "Obamacare" as the creeping edge of "socialism" and loss of jobs to foreign workers at home and abroad as the peril of globalization (see also Parker and Barreto 2013). Political and economic devaluation can lead to mass cultural mobilization—with the proper frame and stimulus.

Inventors don't have the option of a mass movement, however. Although they may be virtuous, there are too few Inventors. To the extent "Inventor" is a high-status, esteemed identity, its value comes not from its abundance, but from its scarcity. That's why Inventors' status as archetypal heroes is so important. Instead of making a claim based on the universality of their identity, they make a more republican claim about how their parochial interests represent society's interests. Inventors—Independent Inventors in particular, given their centrality to the archetype—represent

²² Weber's two-fold conception of status as a claim to prestige and a bestowal of prestige is echoed by contemporary scholars as well. Cecelia Ridgeway, for example, more recently has written about a "twofold conception of status" as comprised of a "basic status norm" that values perceived competence (esteem) and a more variable set of "status beliefs" that define competence (characteristics) (2019).

the best of America on this account, so threats to Inventors are transmogrified schematically into threats to the nation. This cultural power—social status—is a tremendously significant privilege for a group that is otherwise middle class and without extraordinary institutional access.

3.1.2 Independent Inventors as American Heroes

Inventors—Independent Inventors of the nineteenth and early twentieth centuries in particular—are archetypal American heroes. They are heroes not just because of what they created, but also because they embodied core American values in the way that they worked. They are archetypal heroes because of the narrative and vernacular manner in which the Independent Inventor identity has been socially constituted. Indeed, a very compelling review essay by Swanson (2018) catalogs how Inventor hagiographies have been constructed out of legal disputes over inventorship (Arapostathis and Gooday 2013; Beauchamp 2015; Fierstein 2015).

Archetypal heroes, like valorized Inventors, are important cultural symbols. Archetypes are “the character roles which recur in myths and stories”—the ideal-type citizens in a society including heroes, villains, innocent bystanders, and the like (Kelsey et al. 2023, 142). These roles, and the normative valence attached to them, communicate social norms. Hero archetypes embody society’s most esteemed values (Kelsey et al. 2023, 142). Heroic tales help enforce social norms because they mythologize and democratize heroic undertakings, offering proof-of-concept that any American can invent something and achieve the American dream so long as they perform the same values as the heroes who populate heroic myths. “Heroes remind people that they can succeed, that they can achieve greatness” (Lule 2001, 23).

Inventors, especially American Independent Inventors, have been linked historically to socially esteemed values—with “greatness.” Christine MacLeod (2010), for example, has written exquisitely about how heroic Inventors came to be praised by various factions of nineteenth-century British society—before Inventors were eclipsed by other heroes there. In America, Eric Hintz (2008) found the historical proliferation of children’s books about Inventors indicated the normative valence of the Victorian Inventor stories to be evidence that Americans have long valued the traits we associate with inventors. Wyn Wachhorst’s study of the Edison mythology is exemplary in documenting how the American inventor archetype has functioned as a normative influence across time (1981): The Edison myth become a vehicle for authors to express the day’s mores in each succeeding era, tweaking the story so they paired a constant esteem for Edison with a historically contingent set of values.

There is a core set of values, though, in the way the archetypal Inventor story maps onto what Campbell has called the “monomyth” of the heroic journey. Campbell argues all heroes depart largely alone on a quest, overcome some obstacle(s), and return to their society with their bounty (Campbell 2008, 28–29). So Inventors enter the realm of the unknown, struggling against uncertainty, doubt, and perhaps poverty to better society—American society if you’re an American Inventor—with their discoveries. Swanson catalogs how hagiographies build “reputation” or “credit” as an inventor (2018), a formulation that implies the general heroic esteem for Inventors. The Edison myth may be the most prominent example of the American-Inventor-hero sub-genre, describing how young Thomas turns his boyhood curiosity into a

lifetime of enduring toil and sacrifice to enrich America with great inventions (with the myth conveniently skipping his work with assistants or to industrialize his inventions). “In the end, the Edison legend takes its place alongside the cowboy and the superhero as part of an American monomyth: that of a powerful innocent who redeems the community at the price of his own isolation” (Wachhorst 1981, 85).

The self-sufficient quest, at great personal peril, for the benefit of the community, is at the core of American heroism and illustrates important American values—including values performed by archetypal American Inventors. American Inventor heroes toil alone for the betterment of America. In this effort, they embody at least (1) independence, (2) Protestant asceticism, (3) productivity, and (4) techno-nationalism.

One component of this heroic story is independence: the lone inventor on a journey to create something new. If inventing is the process of coming up with something new, that implies the displacement of or progression beyond the status quo. Important innovations are “disruptive” (Christensen 2011). In fact, etymologically and as a matter of historical practice until very recently, “invention” sounded in heresy (Godin 2019; Mokyr 1990, 189). The lines between hereticism, quirky individualism, and productive innovation are often blurry. For example, one economic theorist has described important “macroinventions” as occurring when “a crackpot hits the jackpot” (Mokyr 1990, 252). This independence, including especially individualistic control over one’s own labor, has been at the core of American culture since at least colonial planters arrived from Europe (HoSang and Lowndes 2019; Rana 2022).

A second component of the archetypal Inventor story is the American Inventor’s disciplined work ethic, or Protestant asceticism. Edison, for example, was portrayed as exemplifying this lifestyle: “A selfless ascetic, never misusing his power, working alone in his laboratory at night while the innocent world sleeps, Edison leads the hero’s life of sacrificial isolation” (Wachhorst 1981, 112). The notion of “Protestant asceticism” derives from Weber’s identification of the “Protestant ethic” as a foundation for capitalism (Weber 2010). It reflects the Calvinist notion that people can demonstrate they are in God’s favor through toil and personal discipline. The inventor Benjamin Franklin, with his frequent moralizing, was one of Weber’s paradigmatic examples of the Protestant ethic. Like Franklin, Edison evidenced a personal Calvinism: “There was a hard streak of Protestant asceticism in Edison’s character which led him to declare that a soft bed ‘spoils a man,’ that ‘we should not be guilty of enjoying our meals,’ and that ‘Prohibition is eternally correct’” (Wachhorst 1981, 140). Solitary, disciplined persistence in the pursuit of discovery is central to the heroic American Inventor archetype.

Contribution to the community—productivity—is a third requirement of an archetypal heroic journey. An Inventor’s persistence toward discovery gains nobility when used to develop a beneficial new technology to help the community. “The full round, the norm of the monomyth, requires that the hero shall now begin the labor of bringing the runes of wisdom, the Golden Fleece, or his sleeping princess back into the kingdom of humanity, where the boon may redound to the renewing of the community, the nation, the planet, or the ten thousand worlds” (Campbell 2008, 167). Thus, archetypal Inventors are producers, beneficent contributors to America’s success. By positioning themselves as heroes of American society in this way, inventors (and

other interests who purport to represent inventors) claim they are morally worthy of public and legal support from the nation (C. Cotropia 2009).

The equation of American greatness with these contributions from Independent, disciplined, and productive Inventors is the fourth aspect of the heroic Inventor identity. More so than perhaps any other country, America's national image has related to the technological accomplishments of its Inventors and, later, Innovators (Thomas P. Hughes 2004). In this techno-nationalist historiography, American greatness and American technological dominance are fundamentally linked.²³ "To the degree that Americans have achieved a group identity, it has rested largely on their technological superiority" (Wachhorst 1981, 120).

America's patent laws are thought to have been exceptional, globally, in allowing Independent Inventors like Edison to launch new enterprises for the nation's benefit, part of the underlying genius of America's constitutional foundations (Bracha 2016; Khan 2009). According to the mythology, this most democratic, meritocratic of systems awards patents to anyone—regardless of other indicators of status like race, gender, or age (never mind the empirical evidence that such socially disadvantaged groups are also represented among the ranks of Inventors named on U.S. patents). But while that is the argument of the Inventor-Activists in their briefs and on their picket lines, empirical research on Independent Inventors has found them remarkably ambivalent on the value of patents and their plans for patenting (P. Whalley 1992b).

3.1.3 Whither the American Independent Inventor?

There is reason to doubt the persistence of the heroic American Inventor archetype, or at least to write it off as anachronism. "After World War I, industrial scientists displaced the independents as the principal locus of 'research and development activity,' the new name for invention" (Thomas P. Hughes 2004, 15) In Hughes's language, the Independent Inventors have been replaced by System Builders. Instead of individuals pursuing their own inventive work or chasing disruptive ideas, the driving force in today's innovation economy is supposed to be research and development labs at big firms and universities who can focus on iterating marginally newer—and more profitable—versions of existing products.

At the same time, scholars of innovation have launched fundamental attacks on the Independent Inventor mythology that underlies the American Inventor archetype. Rather than demonstrations of individual genius, they argue that Independent Inventors inevitably cluster their work around "reverse salients," or known limitations of existing technologies, and multiple so-called "independent" Inventors are likely to simultaneously develop solutions to such problems (Thomas P. Hughes 2004). The first study to use the term identified Edison's Direct Current power transmission system, with its limited range, as a reverse salient to which Alternating Current was the solution on which multiple parties settled (Thomas Parke Hughes 1993). It is a

²³ Techno-nationalism refers to the equation of technological development with national progress, seeing technology as an important arena of international power (Capri 2025). For an example of a techno-nationalist historiography, see Hughes (2004).

soft version of technological determinism that minimizes, or at least de-centers, human agency in the process of invention.

Yet hagiography of American Inventors persists. In an essay referenced above, historian Kara Swanson reviewed several books on historical Inventors and the “great man” heroic narratives about inventions and patents that they contain (2018). Such heroic stories about Inventors, she argued, still help define the boundaries of who is fully a citizen in America. That is a theme in her broader scholarship, which traces the ways that historically the category of “Inventor” has been used to define and bound American citizenship (Swanson 2020, 2022a). Multiple other scholars, especially those that write about the exclusion from the patent system of Black, women, and other Inventors from socially disadvantaged groups, similarly have recognized that the ability to be named as an Inventor on a U.S. patent was a core signal of one’s status as an American (Fouché 2005; Vats 2020).

Has the heroic status of Inventors changed as they have purportedly been in decline? Are Inventors, and Independent Inventors in particular, still culturally significant as they’ve historically been—or has their reputation diminished as well?

3.2 Methods and Data

This chapter asks to what extent does the valorized Inventor identity persist in online media and in the conceptions and imaginations of Inventors themselves. To what extent do Independent Inventors understand the title of “Inventor” to be a status marker and how is that related to patents? To what extent are “Inventors” socially esteemed and associated with valued traits like independence? And to what extent do Independent Inventors retain access to that purportedly most democratic of honorifics: named Inventor on a U.S. patent?

This chapter uses a mixed methods approach to address these questions in turn. Use of multiple methods is a hallmark of case study research on social movements (D. A. Snow and Trom 2002). Details about the methods and data are contained in the Methodological Appendix. Below, I summarize the methods employed and data analyzed in this chapter.

3.2.1 Qualitative Data: Interviews

The chapter begins with Inventors’ own understandings of “Inventor” as status and its linkage with the patent system. To investigate how members of the Inventor community understand the Inventor identity, I engaged in qualitative interviews and organizational ethnography among Independent Inventor Organizations. Interviews with key informants are a vital research method for studies of emerging movements and movements that are not well documented by media, especially when combined as here with other methods such as participant observation (Blee and Taylor 2002). In this section, I compare non-mobilized respondents’ attitudes with those of Inventor-Activists on “Inventor” as status and its relationship with the legal category of named inventor on a U.S. patent.

I identified interviewees from participants in a purposeful sample of Independent Inventor Organizations, including two national and four local organizations. I selected organizations to include, at each level, groups that participated in protests and groups that did not to ensure variation on my dependent variable of interest. Chapter 6, which focuses on the role played these organizations in Inventor-Activist mobilization, explains that this creates a clean line of demarcation at the national level—U.S. Inventor is alone among national Independent Inventor Organizations in promoting protests. At the local level, however, I learned in the field that it is individuals rather than organizations that are often the pertinent unit of analysis. Unbeknownst to me at the time of sampling, for example, one of the local Independent Inventor Organizations from an area where no protest occurred included an Inventor-Activist who became a Key Informant interviewee. He, like many people in my sample, had overlapping experience with multiple Independent Inventor Organizations. At the local level, there was within-group variation about activism that I did not originally anticipate. See the Methodological Appendix for further details of my organizational sampling frame and resulting sample.

I recorded interactions with 21 subjects. I interviewed 16 of these respondents according to my semi-structured protocol. The protocol explored how the interviewee came to the sampled organization at which I identified them, how the organization worked, whether they were an Inventor and had patents, whether they were engaged on patent policy, and if so how they became engaged. I followed up with semi-scripted questions where key informants were familiar with multiple organizations or specific events like protests. Semi-structured interviews are an appropriate technique for key informant interviews and for meaning-based questions like many of those here (Blee and Taylor 2002). They have been used in other IP research studying the relationship between IP and the practices of creators and inventors as well (Silbey 2014, 2022). Modal interviews were about one hour. The longest interviews, which generally involved people with unique knowledge of multiple Inventor Organizations and/or multiple protest actions, were closer to 3 hours and spanned multiple sessions. Interviews were in-person or online as schedules permitted. All interviews were recorded digitally and transcribed from the recordings by me with the assistance of Microsoft Office's dictation function. I anonymized the transcripts during editing. Although some subjects indicated that I may use their interviews without anonymization, I have refrained from doing so out of an abundance of caution, except where I refer to public remarks. I stored and analyzed the anonymized interview transcripts, my field notes, and other ephemera in MaxQDA2022, a qualitative data analysis software tool. To analyze the transcripts, I employed a combination of theoretically defined codes for variables of interest including identity and traits, organizational capacity, and political opportunity structure, with open coding for emergent themes such as status.

Five other respondents appear in my interview data because they joined an interview I was conducting in a semi-public area and participated in an impromptu roundtable about the politics of patents and Independent Inventor Organizations. My recorder and Informed Consent document were both displayed on the table, all participants were told the conversation was being recorded for purposes of this project, and they were invited to join the discussion by the interviewee with whom I was meeting (the normal interview resumed following our roundtable interlude). Although these respondents' selection was unusual, I have retained that group portion of the interview in my data given the transparency of my recording, the participants' acknowledgment and consent, and the depth of the participants' expressed knowledge. In this

sort of informal discussion between members of a community, members often express constitutive beliefs. In a study of right-wing movements in Wisconsin, for example, one scholar found interesting results speaking to people at informal gathering spots like the local gas stations in rural communities where people met for morning coffee (see, e.g., Cramer 2016). This informal discussion on the shoulders of another event was similarly candid and revealing.

In addition to conducting interviews with their members, I also observed the sampled Independent Inventor Organizations in other ways. I reviewed their websites and social media pages. I visited in-person for organizations that had physical locations and attended regular meetings of the organizations that conducted meetings. I attended after-meeting social functions when invited. I attended three protest actions. I attended US Inventor's first two annual conferences, including their lobbying days. At each of these diverse experiences, I met more Inventors, heard more stories, and deepened my understanding of the Inventor community and its interaction with the broader society. At each observation, I took pictures and kept field notes (I did not take photographs inside government officials' offices). I later uploaded those notes to my Qualitative Data Analysis software, where I integrated them with my interview transcripts. I use these observations to enrich and corroborate my interview data.

One limitation of these theory-generating data is that they were not systematically collected as a random sample of all Independent Inventor Organizations or the participants thereof. Accordingly, these data may not generalize to all Inventors or Independent Inventor Organizations, and I cannot estimate the frequency of beliefs among those populations in general. But I can identify recurrent themes suggestive of underlying causal dynamics worthy of further exploration. And I can triangulate my findings with multiple methods and data sources.

3.2.2 Quantitative Data: Wikipedia Biographies

After examining the Independent Inventors' views, I employ computational text analysis to test whether American Inventors are understood by others consistently with Inventors' self-perceptions. I apply these tools to Wikipedia biographies of Inventors and other comparison categories. Wikipedia is largely crowdsourced, and therefore arguably reflects the cultural consensus on a given subject (Nelson et al. 2022; Pentzold et al. 2017). To be sure, Wikipedia is skewed in multiple dimensions, including toward the views of relatively well-off Americans (Callahan and Herring 2011). But the English-language Wikipedia is an embodiment of (English-speaking, internet-having, often American) cultural knowledge that itself exerts significant cultural influence. As such, Wikipedia represents a reasonable corpus in which to explore cultural schemata, especially of the commonsense sort of interest here.

As articulated above, I postulate a basic conception of social status as (1) performance of role characteristics and (2) bestowal of prestige that will be reflected in these Wikipedia biographies. More specifically, I hypothesize that American inventors' biographies on Wikipedia will contain a higher number of terms associated with the archetypal, heroic traits of independence, Protestant asceticism, productivity, and techno-nationalism than will the Wikipedia entries for other American job categories. Because status comprises in part social esteem, inventor biographies on

Wikipedia should also include words connoting esteem or prestige at least as frequently than biographies in those other categories.

To create my analytical corpus, I collected all Wikipedia entries in the user-created category “American inventors” as well as unique biographies in other job categories that I selected to be conservative comparison cases: American artists, American businesspeople, American farmers, American politicians, and American scientists. Each of these groups is a robust comparison case for American inventors.

Although all these groups are venerated as American icons, I will show that Inventors are a unique group, distinct from these other categories in their expression of heroic traits and social esteem. As such, Inventors risk losing that unique status to the extent that legal changes undermine the status of “Inventor” as a cultural category.

American artists. Legally, artists and inventors are treated similarly. The Constitution permits both groups to receive and enforce intellectual property, which Congress has facilitated with the Copyright and Patent Acts.²⁴ Like inventors, artists are thought to be loners, albeit working in a garret rather than a laboratory or garage. Both also engage in creative work.²⁵ Grouping inventors with other creatives is somewhat common in academic IP research, both for comparison and contrast (see, e.g., Silbey 2014; Vats 2020). But I expect Inventors to be distinct from artists both in their productivity and their techno-nationalism. It is, after all, new and useful inventions the patent system is to protect, as opposed to artists’ creative expressions.

American businesspeople. American businesspeople have long been conceived as a “closely related image” to inventors (Wachhorst 1981, 196). Like successful inventors, businesspeople are entrepreneurial. Businesspeople represent an especially conservative case to compare with Inventors given some interviewees’ apprehension that inventors are being eclipsed in social status by Big Tech moguls (Interview O382-1 at Pos. 75, 78). Inventors, however, are likely to be more independent and more nationalistic than profit-driven corporations. To the extent Inventors remain a distinct and high-status category, this would show Inventors possess a cultural prestige that businesspeople do not—and another possible vector for cultural threat.

American farmers. The yeoman farmer is a classically independent American archetype (Rana 2022). From founding-era planters to the range-riding cowboys of the nineteenth century to the ranchers and farmers of more modern epics, farmers famously toil, often alone, to produce for the community.²⁶ Farmers also share a legal similarity with inventors, in that their real property interest in the land they work is frequently analogized to an inventor’s personal property interest

²⁴ Some inventors wish patent law was more like copyright, in that patent law should have criminal penalties (Interview O223-1a at Pos. 226).

²⁵ In fact, several of my respondents engaged in creative work unrelated to their invention (Interview O384-2 at Pos. 44; Interview O223-4).

²⁶ One interviewee even identified farmers as the sort of independent American who was empowered by the U.S. patent system to develop significant new technologies (Interview O384-5, Pos. 54).

in their patented inventions (field notes; *see also Oil States Energy Svcs. v. Greene's Energy Group*, 584 U.S. ___, No. 16-712 (2018) (Gorsuch, J., dissenting)). Yet farmers have lost ground to large interests even more quickly than Independent Inventors. And Americans have lost touch with farmers: Urbanization makes farmers and their interests mostly remote political concerns outside of the grain belt in the Midwest and the ranching territory of the West. Yet Inventors' independence connotes a novel form of labor that farming does not. Given the similarity of their historically lauded, self-sufficient productivity on land they own, farmers may in some respects represent the most conservative comparison case for Inventors as heroes.

American politicians. Politicians have long been esteemed in America, at least until recent increases in polarization and decreases in institutional faith. As representatives of the state, they can be expected to be described frequently in techno-nationalistic terms. Historically, politicians displaced inventors atop the ladder of social esteem in late modern England (MacLeod 2010), so there is precedent for their favorable comparison to inventors in terms of social status. Yet we would expect Inventors to show more terms related to at least Independence and Productivity, relative to Politicians.

American scientists. American scientists are likely to have overlapping traits with American Inventors. Instead of the productive entrepreneurialism that Inventors share with businesspeople, scientists share with Inventors technical curiosity and expertise developed through ascetic study. Moreover, scientists sound in the “research & development” vernacular of modern industrial science. To the extent Inventors are challenged for technological esteem, scientists are a likely rival.

Using a computer program I wrote in Python, I extracted a sample of 1,000 biographies from each job category for analysis. I constructed, *ex ante*, lexicons of terms related to archetypal inventor traits and social esteem by building from core traits to synonyms and related terms. The lexicons and further detail on term selection and validation are included in the Methodological Appendix. I used the program to count those theoretically relevant terms in each Wikipedia entry, a simple form of computational text analysis called a dictionary method that treats each biography as a “bag of words” to be counted (Grimmer and Stewart 2013; Salganik 2017). To compare Inventors to the other job categories, I compute a simple pairwise difference of mean term counts for the words in each lexicon. I also perform pairwise Mann-Whitney U-tests, a non-parametric test of statistical significance using ordinal data to assess the difference between two distributions.

3.2.3 Quantitative Data: Patent Office Reports

The third empirical section below examines patenting behavior by Inventors, including Independent Inventors. To the extent patents are perceived to convey the privileged status of “Inventor,” how frequently are Independent Inventors patenting relative to other types of Inventors? This section uses Patent Office statistics to examine claims of Independent Inventors' decline.

I have defined Independent Inventors as those Inventors who substantially control and benefit from their inventive efforts. Yet determining how many inventors are “independent” in this sense is difficult. The Patent Office classifies Inventors as “independent” on a given patent based on a formal criterion—whether the patent is assigned to a corporate entity or not. While imperfect, these data have long been widely relied upon (Cook 2014; Schmookler 1957). The Patent Office annually releases data on patent filings by different types of inventive organizations, including such Independent Inventors. Here, I collect and visualize data from Patent Office records spanning 1963 to 2000 reflecting trends in issuance of patents to Independent Inventors and other sorts of owners, including U.S. corporations and foreign entities.

3.3 Findings

As hypothesized, I found that “Inventor” was more than just a job or even an identity. The identity of “Inventor” conveys social status, in the sense that it suggests one possesses a virtuous set of traits and therefore deserves social esteem, to both Independent Inventors, as reflected in the qualitative data below, and to the general public, as reflected in the Wikipedia data. Yet analysis of Patent Office statistics indicates that Independent Inventors receive an increasingly small share of U.S. patents and the status they convey. This long-term erosion in Independent Inventors’ access to a marker of social status helps explain the nature of the Inventor-Activists’ grievances—and sets the stage for the short-term threat that catalyzed their mobilization discussed in the next chapter.

3.3.1 “Inventor” Status: Qualitative Evidence

All my subjects, mobilized and non-mobilized alike, recognized that the title of “Inventor” conveyed social status. The Inventor “honorific,” allowed one to effectively claim social esteem, according to my interviews and observations. Yet many worried that patents were an imperfect signal of one’s performance of the virtuous traits associated with archetypal heroic Inventors.

3.3.1.1 The American Inventor Is Still Socially Esteemed

Inventor-Activists reveled in and promoted the heroic image of Inventors in my observations, even expressly instantiating Wachhorst’s comparison of inventors to other heroes (Wachhorst 1981, 85). Artwork created for the 2023 annual meeting of US Inventor depicted US Inventor founder Paul Morinville with a Superman logo on his chest, coincidentally reminiscent of a promotional PTO card distributed at the conference. Mr. Morinville self-consciously cultivated such a heroic image by adopting the attire of a cowboy. He famously stalked the halls of Congress wearing cowboy boots and a black cowboy hat to invoke that heroic archetype as well. And this heroic image was well-received among many of the Independent Inventors who knew him. After he departed from US Inventor in a leadership dispute, he appeared and was roundly applauded at US Inventor’s second annual conference in 2024. Summarizing his position in the Inventor-Activist community in techno-nationalistic terms by analogizing him to a mythical Revolutionary hero, another key informant referred to Mr. Morinville as the “Paul Revere” of the Inventor movement (Interview O223-1a at Pos. 455).



Figure 3.3.1.1.1. Card distributed at U.S. Inventor Conference, Washington, DC. Figure author unknown (2023)



Figure 3.3.1.1.2 Artwork at US Inventor conference, Washington, DC. Figure artwork by Michael Kintner; photo by author (2023)

The democratic nature of the honor was an important part of US Inventor celebrations. One of President Randy Landreneau’s favorite talking points is that the original Patent Act used the pronouns “he,” “she,” or “they” signaling, he says, that anyone could be an Inventor regardless of where they were located along other dimensions of social status. “Inventor” is an earned honor bestowed by a grateful society upon any heroic individual who produces something new for America.

Perhaps most clearly illustrating the conviction that Independent Inventors ought to effectively claim social prestige and associated privilege was the message Prof. Adam Mossoff, a noted IP law professor from the Antonin Scalia School of Law at George Mason University, delivered to a U.S. Inventor meeting that I observed on August 31, 2022. Prof. Mossoff, a leading scholar of patents and frequent witness before Congress on patent policy, called the Inventor-Activist

members of U.S. Inventor the “ideal group of people” to advocate for improvements to the patent system because they are the “beneficiaries of this institution” (field notes). He advised that they should lead their conversations with legislators and other policymakers with their status as Independent Inventors—the core users of the patent system—and that Congress will respond, at least eventually, because the patent system is really for them (field notes).

The Inventors have acted on Prof. Mossoff’s invitation to claim the solicitude of the patent system as their right. They have mobilized within institutional channels by sending responses to Requests for Comment and the like. And they have utilized extra-institutional collective action like protest, burning their patents in front of the PTO to dramatize their grievances, for example. That’s a core way, according to McVeigh, that movements can leverage cultural power in defense of their economic and political interests—by using extra-institutional tactics that help dramatize the cause on behalf of the culturally privileged—those with high social status. That’s why an Inventor-Activist told DHS that they were going to burn their patents “with or without a permit” (Interview O384-1a at 293). He just asked DHS to “at least have the cops throw [him] on the ground as you’re arresting [him] because a little blood on [his] face is better for the cameras” (Interview O384-1a at 293).

3.3.1.2 American Inventors Are Esteemed Because of Their Traits

My respondents universally agreed that archetypal Inventors were associated with socially valued traits, deserving of their heroic status. For my subjects, mobilized and not, esteem generally was reserved for those Inventors who had demonstrated archetypal traits in developing their creations—independence chief among these.

As Wachhorst suggests, archetypal Independent Inventors are like the lonely cowboy who disappears on the horizon after saving the day or the solitary Edison figure stooped over the lab bench. A key informant described “the personality of your typical inventor” as “usually very lone wolf” (Interview O382-1(M) at Pos. 69), something echoed at multiple inventor meetings I observed (field notes). As one put it, “I wasn’t gonna be a happy person if I didn’t wake up and make my own value” (Interview O178-1 at Pos. 230).

More than just attitudinally, Independent Inventors in my observation were *structurally* separate from the corporate world, working for themselves in a modern instantiation of colonial Americans’ desire for self-determination (e.g., Interview O223-1a at Pos. 12). That is not mere interpretation: multiple subjects expressly compared contemporary Inventor-Activists to Revolutionary War figures (Interview O223-1a at 455; Interview O384-5 at 50). Heroic Inventors do their inventing work for themselves or their businesses—not for a company someone else owns. They control their own labor—the proverbial American Dream (field notes; Interview O384-2 at 60; Interview O384-4 at 32). One (non-mobilized) local group leader expressed disdain for some attendees at a meeting who had brought a product idea from their employer and primarily were seeking help with that idea—although the group leader grudgingly acknowledged of these entrepreneurial interlopers that “at least one of them wanted to invent something” (Interview O223-3 at Pos. 54). He resented his Inventor group being hijacked by people whose idea was not their own.

Critical for successful Independent Inventors and the key informants who work with them, whether mobilized or not, was self-discipline reminiscent of Weber's Protestant asceticism. One (non-mobilized) key informant with a national Inventor group explained that the desire to teach the sort of discipline to invent something and make it a commercial success was "part of our responsibility . . . to try to pass on to the next generation what's important." If inventing is to be more than just "for fun . . . then you have to get back to a certain type of discipline," he explained (Interview O-382-1 W, Pos. 78). Another drew on his extensive experience to enumerate the qualities of a successful inventor, which all sound in the same register as disciplined, Protestant asceticism:

Most ... don't see ... the pain, the frustrations, the persistence that went into that idea that finally brought it to the ... light of success that it finally achieves. When they finally do see it ... for every one that they do see there's 900 that didn't make it ... that all had so much effort ... into ... them as well and people's passions and loves and so that's not understood ... Most think ... an inventor gets rich quick. ... that's often a very misconceived notion ... It's one of those ten year overnight successes. ... What I think more people should be aware of is that if they do commit and if they do have that drive and determination, [if] they can find some money (there is and they can find that), there is motivation to do it, there are avenues and ways to succeed. (Interview O384-2, Pos. 48)

Successful Inventors have to go through a lot. They have "persistence", "drive", "determination," "effort", and "passions and loves" that can provide "motivation" through "pain" and "frustrations" ultimately to lead to "one of those ten-year overnight successes."

Discipline was more than just an engineering principle: it was also a personal guide to right-living in the same vein as Franklin's or Edison's ascetic aphorisms. For example, one gave up his vices to focus on his inventing:

I said hey you're pointed this way ... your slope is headed toward a DUI your slope is headed toward an angry unsuccessful inventor and you can either fucking own it, do something about it, or you can blame the world. (Interview O178-1, Pos. 64)

He "own[ed] it" by rededicating himself to his inventing work and seeking support among the Inventor community (he has gone on to take over the leadership of his local group). To devote himself to his independent inventive work, he chose to live a much more abstemious life.

Characterizing Inventors' archetypal asceticism in religious terms is supported by my qualitative data, including interviews with mobilized and non-mobilized Inventor-respondents. The Protestant ethic revolves around the notion that one's spiritual calling is revealed (and rewarded) as one is able to display the right-living of the divine elect. Multiple interviewees relayed such a divine influence on or calling to their inventive work. A non-mobilized Inventor described inventing in "theological" terms—explaining that it feels "miraculous," as if they receive a new idea as a gift from the divine (Interview O223-4 at Pos. 16-18). A mobilized Inventor attributed their inventions and success, as all things, to "Providence"—a somewhat Calvinist if more modern notion that the divine is revealed through faithful living (Interview O384-5 at Pos. 10).

An early Inventor-Activist implicitly illustrated the way religious devotion could help identify genuine American Inventors in two stories he told. In one, he was on a business development trip to China. As he tells it, when he revealed that he had attended a Catholic mass in Beijing, his meetings were summarily canceled with what he believed were CCP agents posing as potential business partners (Interview O384-1a at Pos. 129-161). His faith prevented him from working with America's godless, sneaky Chinese adversary. But while he distanced himself from faithless Chinese interlocutors, he enthusiastically described support he provided to a religious Black woman Inventor in America.²⁷ Despite being "obviously uneducated" with a couple of missing teeth—note his effort to identify her as an Inventor despite her other disfavored markers of social status: race and education—this woman had an idea for a digital application that would help her church collect its tithes and offerings. He wanted to help her develop and patent the invention for her church because, as an Inventor from humble beginnings just trying to better her church community, she was the "salt of the earth" (itself a biblical phrase connoting esteem from Matthew 5:13) (Interview 384-1b at Pos. 367).

Even if not religiously inspired, many in my sample—especially the Inventor-Activists—saw Inventors and patents as core to a sort of American civic faith. The American patent system, for these individuals, was a critical component of American exceptionalism (which they mean understand in a positive sense). This is an example of the techno-nationalistic equivalence between technological progress and American hegemony. Contemporary Inventor-Activists in my sample universally saw the patent system's incentivization of invention as a constitutive part of America. One Inventor-Activist traced the emergence of American might from the "1790 patent" system and its "property rights" in inventions to "in a generation, we're a superpower in the early 1800s" (Interview O384-5 at Pos. 58). Another Inventor-Activist connected those dots with the incentive theory of patents in the U.S. Constitution's IP clause: "What made this country strong was incentivizing people that had intelligence and creativity to pursue their dreams and ideas.... And that helped build a strong prosperous nation" (Interview O384-2, Pos. 68). More granularly, a non-mobilized key informant noted that incentivizing innovation with a strong patent system was key to the technological superiority of the American military (Interview O382-1, Pos. 526).²⁸

National security was a particularly frequent concern for the Inventor-Activists I interviewed and observed (an issue that will receive further attention in the next chapter). For example, the central premise of the movie *Innovation Race*, produced with cooperation from US Inventor, the Tea Party Patriots, and various other groups, is American technological conflict with China. Lobbying efforts, protests, and group meetings that I observed frequently included messaging about the threat posed by Chinese innovation—and specifically Chinese efforts to emulate the historically strong U.S. patent system (field notes). In less existential terms, Inventors frequently emphasized consumer benefits from their American-made (as opposed to Chinese- and other foreign-made) products, including product safety and downstream economic effects like job creation (field notes) as they attempted to equate their status as Inventors with benefits to the

²⁷ As a Black American, she was likely Protestant.

<https://www.pewresearch.org/religion/2021/02/16/religious-affiliation-and-congregations/>

²⁸ Interestingly, this interviewee compared U.S. military power to Russia, rather than to the Chinese foil, the threat from which dominates the collective action frames of Inventor-Activists.

nation. They equated inventions by American Independent Inventors, and a strong patent system to encourage the same, with American competitiveness internationally.

For the Inventor-Activists, the connection between technology and a strong America was a patent system that rewarded archetypal Inventors with strong exclusive rights to incentivize their development of new technologies. By adopting a patent system more like America's, and applying for American patents, China was trying to emulate the cultural basis for America's technological exceptionalism—to “out-America America” in the words of one commentator in a film produced by Inventor-Activists and their Tea Party allies (*Innovation Race*). At the same time, the U.S. was adopting a more corporate system and turning its back on the individualism characteristic of American archetypal Inventors—which one Inventor-Activist worried would lead to all Americans “eating rice and driving bicycles” (Interview O384-2 at 68). The belief that the American society is culturally superior to China in a way that promotes invention was made explicit by another respondent:

I still think that we have you know even though even though we're more diverse and you know we've continued to take in other ethnicities and . . . cultures primarily I still think there's something that I know there is like we still have that independent optimistic thinking try stuff venture adventure is a big part of the American spirit still That gives us an advantage over a billion Chinese people because they've got several generations of conditioning of saying stay in line don't step out of line don't change you know because if you if you stand out you're you're going to you know it's going to there's going to be pain for you and your family so I think we still have that spirit of if we if we if we can let this latent spirit if we if we can empower it it could work but i don't know as you can see it's it's it's hard to communicate that in a way that inspires action or legislation. (Interview O384-5, Pos. 58)

Inventors are more than just workers or even producers. As Swanson has argued, Inventors are core, archetypal citizens—a status that is especially important to Inventor-Activists. The patent system is, for the activists at least, a core part of that. Patents and the market power they convey are the reward for creating new products in America. The Weberian bargain for American Inventors is that they get patents and the strong exclusive rights they convey in exchange for performing core American traits like individualism and ensuring America remains technologically dominant internationally.

3.3.1.3 Patents Are Imperfectly Correlated with Inventor Status

Yet patents were also considered to be an imperfect signal that one had performed the virtues associated with the heroic Inventor archetype, even if they named someone an “Inventor.” Many Inventors recognized that the patent allowed one to claim the title and social prestige, but undeservedly—sort of a technological stolen valor.

Some Inventors, especially among the non-mobilized among my respondents, derided patenting as frequently a vanity undertaking, rather than a genuine effort to invent a better American society. They questioned the sufficiency of a U.S. patent as a signal that one was an Inventor of anything meaningful. During the impromptu roundtable with Inventor Community leaders I

conducted, for example, the frivolity of some Independent Inventors' efforts was a subject of collective scorn. A Key Informant who leads a national Inventor's group remarked of many Independent Inventors that, "They're tinkerers who, you know, made a microwave that can also roller skate . . . and . . . they brag about the fact they have a patent" (Interview O382-1(M) at Pos. 83). A different Inventor respondent from a local organization expressed a similar point about a colleague in their group who has "got a patent" but "she's just spending money, spending money" even though it's "never going to be a thing" (Interview O223-2 at 308-310). Yet implicit in their derision was a recognition that the title of Inventor named on a U.S. patent came with social esteem. They just believed that esteem wasn't deserved in all cases—U.S. patents were awarded to people who didn't necessarily enact the independence and productivity of "real" American Inventors.

One of the most successful Inventor-Activists I interviewed expressed reluctance to identify as an Inventor for this reason—because merely being a patented Inventor did not mean they had accomplished very much:

I was happy to be considered just an inventor then I realized well-being an entrepreneur is where you actually become somebody successful at doing things that you invented so then that made that there was certainly just a limit to what the value of the title inventor was and so it became even clearer as you read the patents and patent law that the patents do entitle you to be called an inventor and you can get the little certificate and put it on your wall and tell your grandkids I was an inventor end of story well that doesn't mean you ever did anything with it that succeeded or commercialized it. (Interview O384-2, Pos. 42).

This Inventor recognized that patents function effectively as a signal of prestige and was eager to get out into the streets to advocate for a stronger patent system on behalf of Independent Inventors. He believed deeply that the patent system was vital to encouraging such efforts, although it had been recently tarnished. But becoming an inventor on a patent was not going to be the limit of his identity. At first, he was "happy to be considered just an inventor" and acknowledged that "patents do entitle you to be called an inventor" and brag to "your grandkids" about it. He recognized that the title of Inventor, even as merely present on a patent, conveyed prestige. But he came to disparage that status as merely symbolic. To "actually become somebody successful at doing things" as "an entrepreneur" was his real goal. The "little certificate"—note the pejorative comment about the patent's size—"doesn't mean you ever did anything with it." Successful Inventors combine patents with entrepreneurialism—they build businesses. They labor, and they produce.

A non-mobilized Inventor similarly, if more figuratively, expressed scorn for an acquaintance who had obtained patents on behalf of his employer and thought that earned him the social prestige associated with that status "Inventor":

I really don't know, like, what an inventor is because is an inventor also a business person? Is an inventor just somebody who has a patent? Is an inventor somebody that has to be . . . financially independent because of an invention? I don't think anybody could put their thumb on what it is, and personally I know people that have a real low benchmark. I mean there's a guy -- corporate engineer that -- that I think is a total idiot.

He's got a couple of patents and he thinks he's the cat's ass! ... And he calls himself, "well I'm an inventor, too." It's like, all right buddy. Like you like you haven't gone through -- like you didn't even do your own patents. Like you get something slid across to you and you sign it and then the lawyers walk away and it's like cool. Like have you actually gone through, line-by-line with your claims and risked your own personal money . . . to pay for a patent? You know, that's a different experience. And so yeah, I don't know what the hell an inventor is. I really don't to be totally honest. Like maybe one day I'll figure it out. (Interview O178-1, Pos. 554)

For this interviewee, the independent toil on your invention and your patents is an important, constitutive part of becoming an Inventor. It is the effort—done at your own urging, under your own control, and at your own personal risk—that distinguishes the heroic Inventor from the employee corporate Innovator. The friend who worked for a corporation might have come up with a new idea, but he didn't have to stake his own money and navigate the patent system on his own to bring that idea to fruition. Genuine Inventors—Inventors who most closely replicate the archetypal Edisonian role—struggle themselves to make their community-benefiting ideas come to fruition. Archetypal Inventor heroes are worthy of esteem when they demonstrate they're Inventors by their independent, risky, and ultimately productive efforts. Inverting the normative implications of the epigraph, this respondent noted that merely getting a patent for an employer is "a real low benchmark."

Although I cannot say whether this skepticism about Inventors named on patents represented a trend, I did observe evidence that suggests the social prestige of Inventors may be eroding. While the Independent Inventors of US Inventor were feted at the Patent Office for their annual conferences, and Inventors of all sorts are celebrated in museums like the National Inventors Hall of Fame and the incredible Lemelson Center at the Smithsonian Institution's Museum of American History, the Minnesota Inventors Hall of Fame has been on a different trajectory. Originally, the induction of new members to the Hall, chosen from local Inventors independent and otherwise, was a part of an annual community celebration. During the event, new members would be admitted to the Hall of Fame and the Minnesota Inventors Congress would host an Inventors' fair for Independent Inventors from across the state. But that organization ceased operations in 2015 when the state curtailed its funding and the local community decided to re-brand its annual festivities around tourism instead of technology ("After 58 Years, Minnesota Inventors Congress Calling It Quits" 2015). When I visited in 2023, the Minnesota Inventors Hall of Fame consisted of plaques and other memorabilia in a glass case in a community center hallway outside a gymnasium (Figure 3.3.1.3.1) and an annual press release, neither of which had been updated in years. As the dominant narrative suggests, the local prestige of those Minnesota Inventors diminished enough that they could no longer effectively claim public esteem. The next section asks whether this was an isolated phenomenon or part of a broader decrease in the social esteem afforded to Inventors in America.



Figure 3.3.1.3.1. Minnesota Inventors Hall of Fame, Redwood Falls, MN. Figure photo by author (2023)

3.3.2 Social Understandings of Inventor Status: Evidence from Wikipedia

To triangulate my qualitative observations of the Inventor community, and to assess whether the Inventor archetype retains heroic status more broadly, I now turn to data external to the Inventor community. For McVeigh, like Weber and other sociologists, status is comprised of (1) an effective claim to social prestige (2) based on one's manner of life. In this section, I therefore test whether American Inventors are a distinct, high-status category in this two-fold sense using Wikipedia biographies. I perform that test by comparing the language used to describe American Inventors to that used for biographies of other occupational groups. If Inventors are thought to uniquely exhibit certain positive traits, I expect that Inventors will score higher than these other groups on five lexical dimensions—words associated with (1) independence, (2) Protestant asceticism, (3) productivity, (4) techno-nationalism, and (5) esteem.

3.3.2.1 Results

Figure 3.3.2.1.1 depicts the mean term counts for each of the social status-related lexicons for the Wikipedia biographies in each job category. American Inventors are at or near the top of almost every count. Inventors' biographies on Wikipedia include more of the Protestant asceticism terms and productivity terms than any of the other job categories. With respect to independence and esteem, Inventors score higher than all other groups but artists. American Inventors' biographies were less likely to contain techno-nationalism terms than those of farmers or politicians, but more likely to contain such terms than biographies of businesspeople, artists, or scientists.

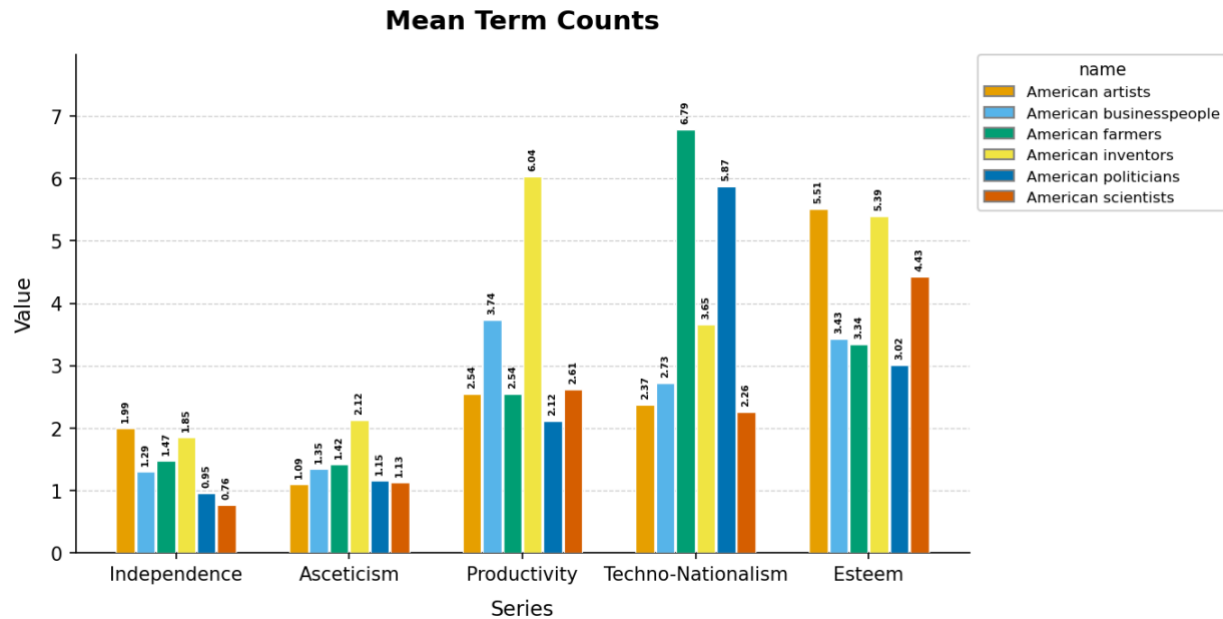


Figure 3.3.2.1.1. Mean term counts of lexical terms, by job category. Figure by author

Figures 3.3.2.1.2 through 3.3.2.1.6 are graphics depicting the results of significance testing for the differences between job categories for each lexicon. Because count data is not normally distributed—it skews left with a long tail—measures of central tendency and parametric significance tests of between-group differences are inappropriate. Instead, for each lexicon (Independence, Asceticism, Productivity, Techno-Nationalism, Esteem), I perform pairwise Mann Whitney U-tests, which use ordinal data to test whether the shape of two different distributions is significantly different and in what direction. These plots show extensive information regarding the differences between the various job categories with respect to each lexicon. The important aspect of these plots for present purposes is the row labeled “American inventors” (4th from the top) in each, which contains the significance test results for pairwise comparisons of American Inventors against each of the other groups. Cells are shaded green in that row if Inventors scored significantly higher than the comparison group; they are shaded red if the comparison group scored significantly higher. Cells are shaded gray where there is no significant difference. Shading is more intense as the significance of the difference increases; cells that appear white are only marginally significant (*i.e.*, are right at the $p=0.05$ level).

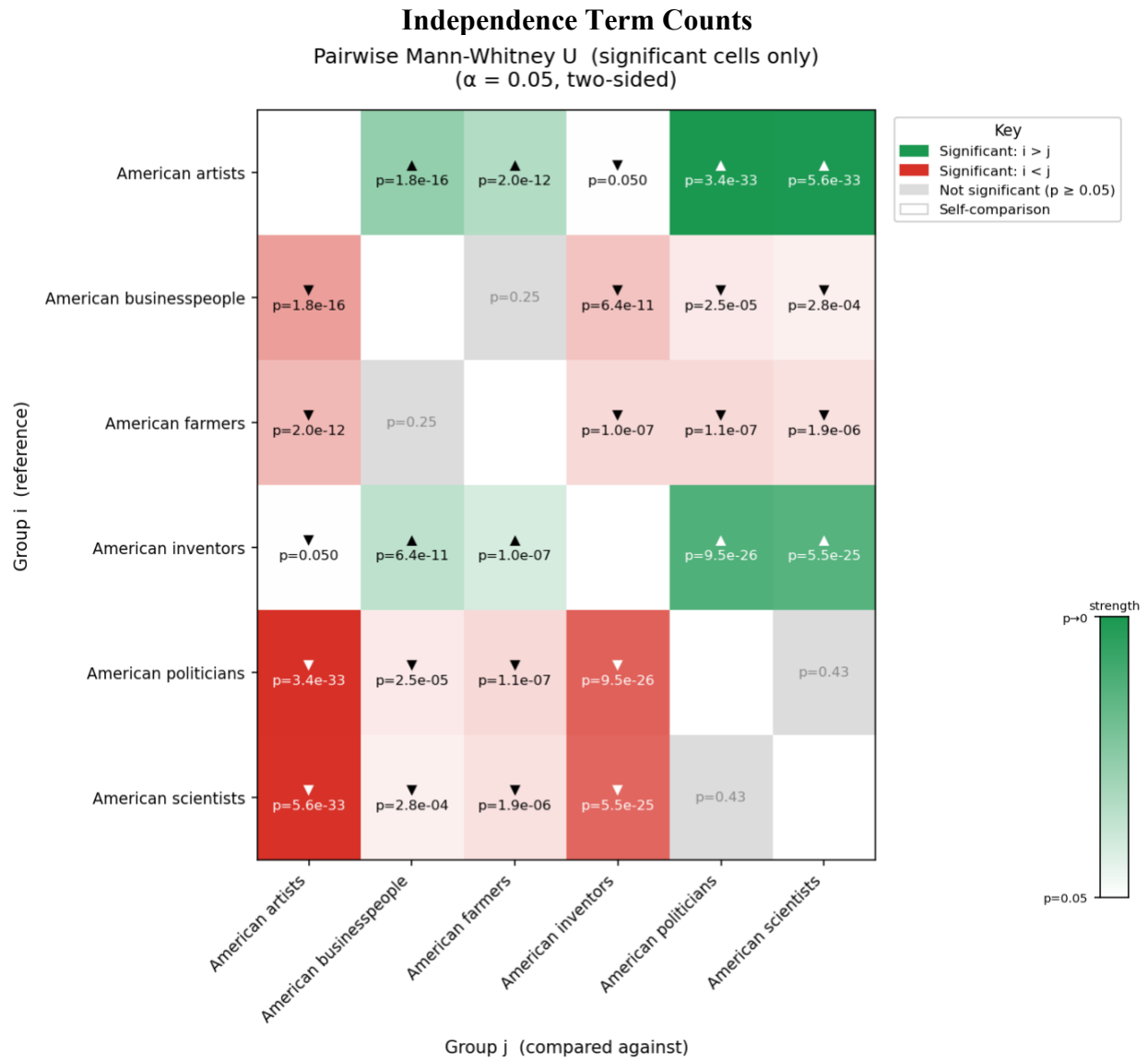


Figure 3.3.2.1.2 Significance testing results, Independence Terms. Figure by author

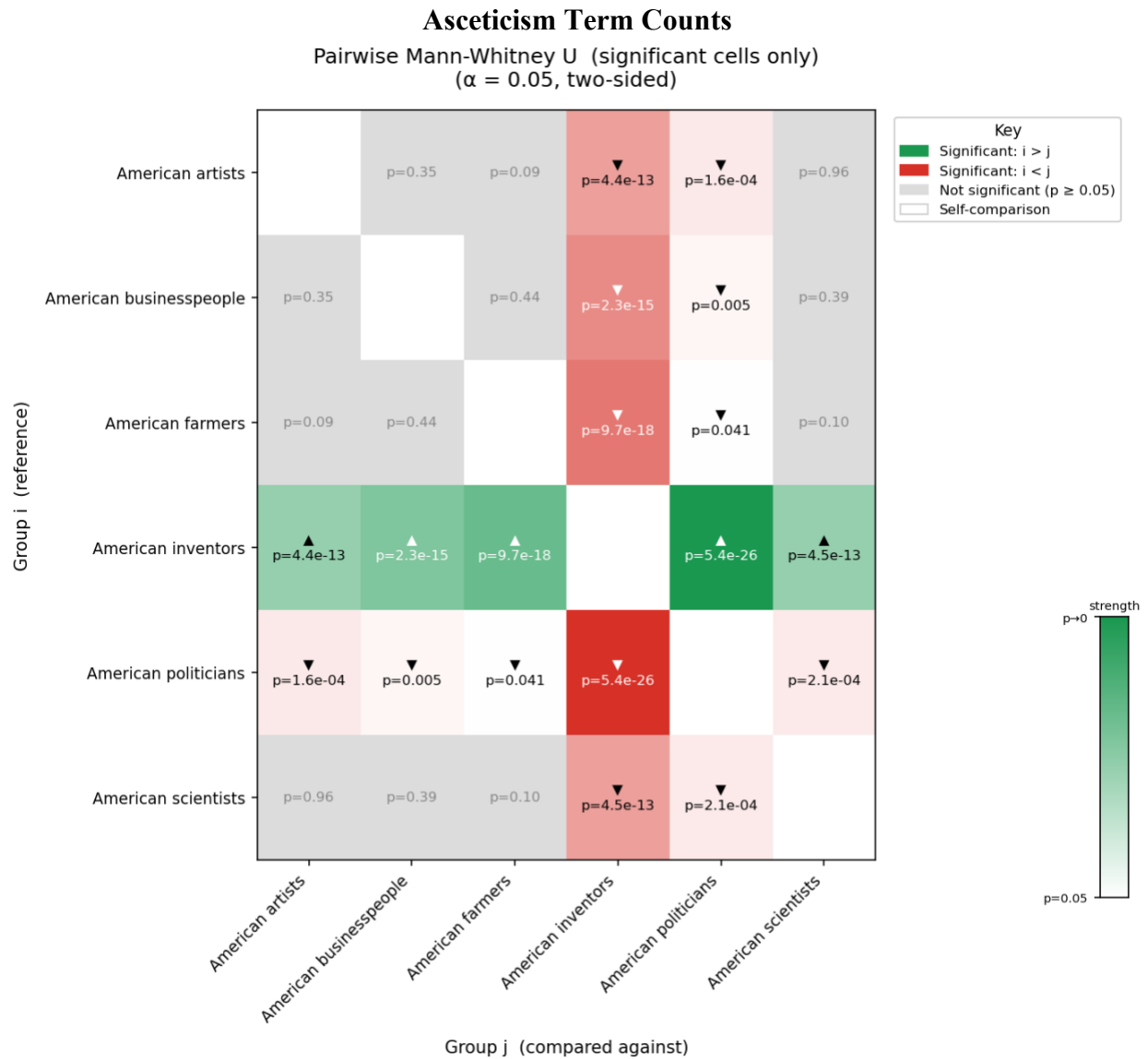


Figure 3.3.2.1.3 Significance testing results, *Asceticism Terms*. Figure by author

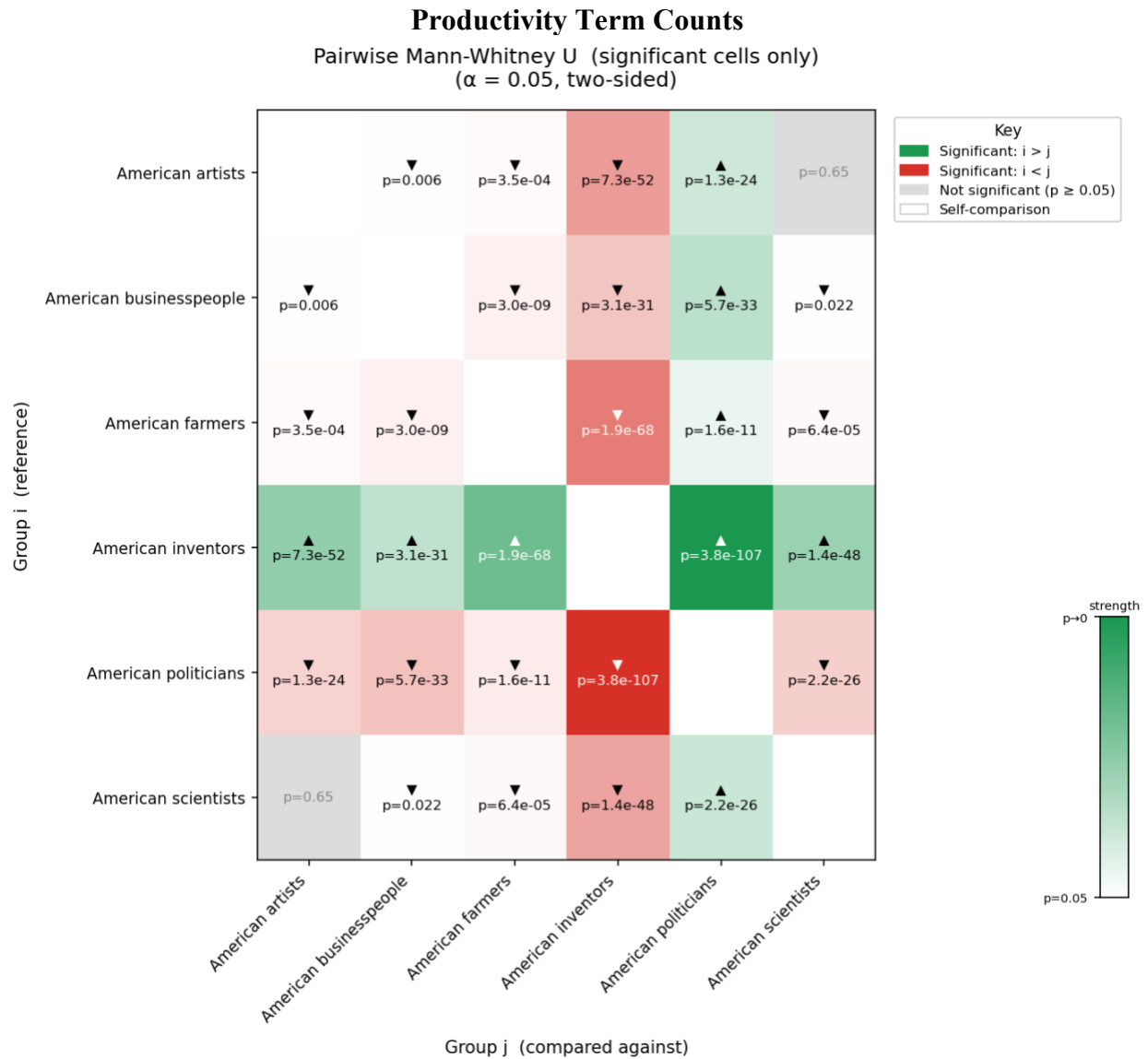


Figure 3.3.2.1.4 Significance testing results, Productivity Terms. Figure by author

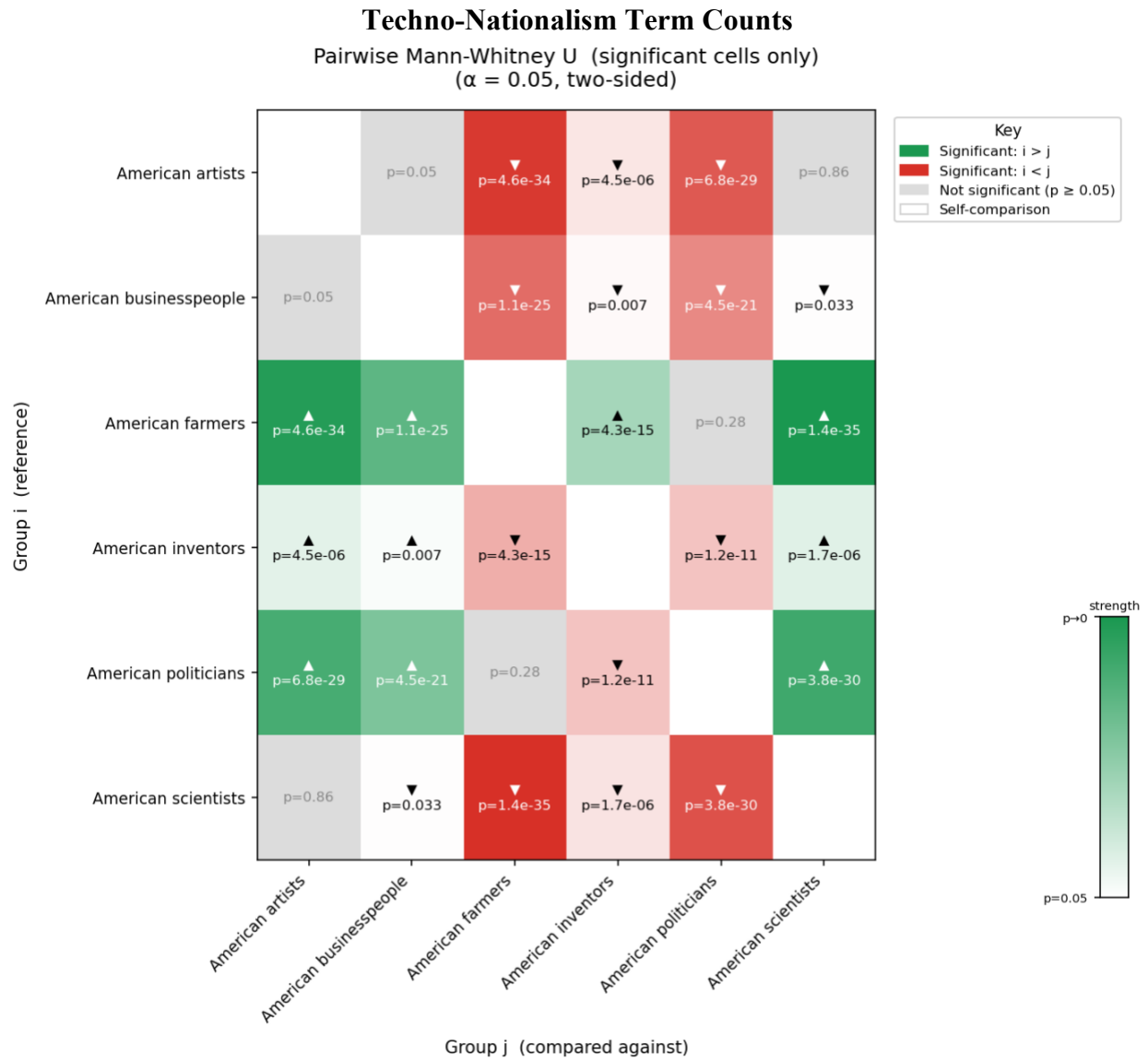


Figure 3.3.2.1.5 Significance testing results, *Techno-Nationalism Terms*. Figure by author

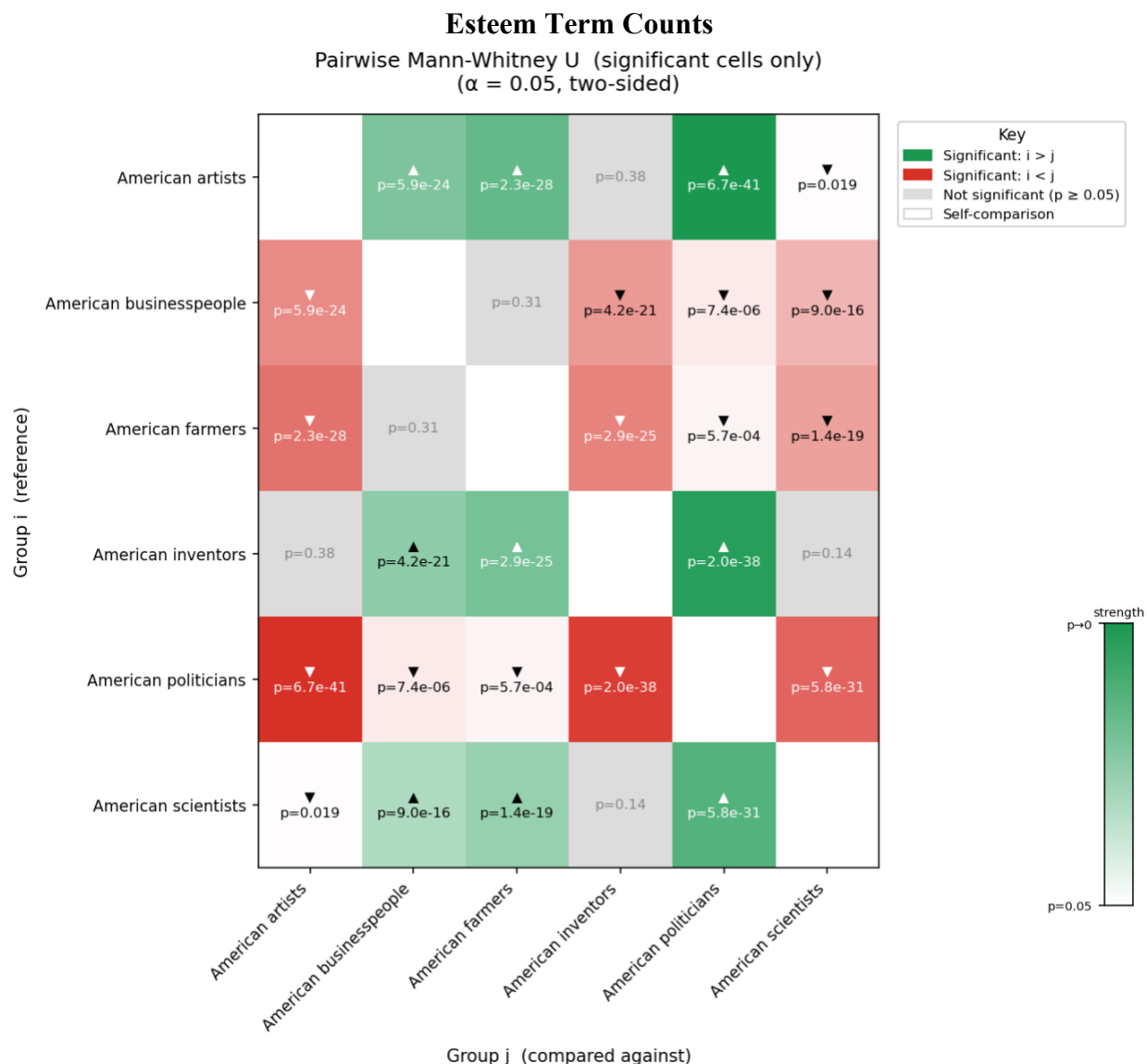


Figure 3.3.2.1.6 Significance testing results, Esteem Terms. Figure by author

The results of the significance testing add important qualifications to the mean counts, in ways that support Inventors' claim to high social status. Most of the results that are in tension with this finding are of marginal, if any, statistical significance. All the Inventors' distributions for lexicons in which Inventors score higher than other groups are statistically significant from the comparison groups' distributions with one exception (Inventors' distribution of esteem terms is not significantly different from Scientists' distribution of esteem terms). Artists scored higher on independence and esteem terms than Inventors, but Artists' distribution of independence terms is only a marginally significant difference. And Artists' distribution of esteem terms is not statistically different from Inventors' distribution at all. The differences between techno-nationalism distributions were all statistically significant, including the distribution of techno-

nationalist terms for Farmers and Politicians, both of whom had higher mean techno-nationalist term counts than Inventors.

3.3.2.2 Discussion

Wikipedia biographies of American Inventors and other comparison categories offer compelling evidence that despite attacks on their mythology, American Inventors retain heroic status—cultural power—that is separate and distinct from that of other occupational categories. These results are especially compelling when used as here to corroborate a qualitative finding.

Although the magnitude of the differences between the job categories in mean term counts is small in absolute terms, there is reason to believe the effect is meaningful. For one thing, the favorable differences between term count distributions for Inventors were statistically significant. This is despite the fact that the Wikipedia biographies underwent almost no pre-processing or other dimension-reduction such as word stemming or lemmatization. These techniques would reduce the textual noise in each biography and thereby increase the sensitivity to lexical signals. Similarly, tuning of the dictionaries could potentially improve both precision and recall of the counts. I address these issues in the Methodological Appendix.

Moreover, even if the magnitude of the difference between job categories is small, that does not mean that it is substantively insignificant. Computational text analysis can reveal latent conceptual associations that, given the complexities of language, only occur rarely. Even small latent differences can correspond to significant social differences. After all, as the rest of this dissertation explores, Inventor status and the patent system that helps define it have been things some people are willing to fight for.

3.3.3 Independent Inventors' Patenting: Declining Share of a Status Market

The previous sections have established that Inventor remains a high-status role—an honorific title, in the words of the epigraph. And independence remains an important aspect of the heroic American Inventor archetype. But the sections above do not address the rate at which Independent Inventors have been able to obtain the status symbol of named Inventor on a U.S. patent. Patenting is not coextensive with inventing, and not all Inventors are equally invested in the patent system, but patents can nevertheless signal Inventor status, as my respondents confirmed. This section asks whether Independent Inventors can obtain a U.S. patent as easily as can others, as the epigraph to this chapter suggests.

3.3.3.1 Results

As Figure 3.3.3.1.1 depicts, U.S. individuals have received a moderately increasing number of patents since the early 1960s. With intervening fluctuations, the absolute number of patents granted to U.S. individuals evidences a positive linear trend, growing from 10,393 patents granted in 1963 to 14,413 in 2020, or about 38.7% growth. Over the same period, U.S.

population has grown from approximately 189 million to about 331 million, or about 75.1% growth.

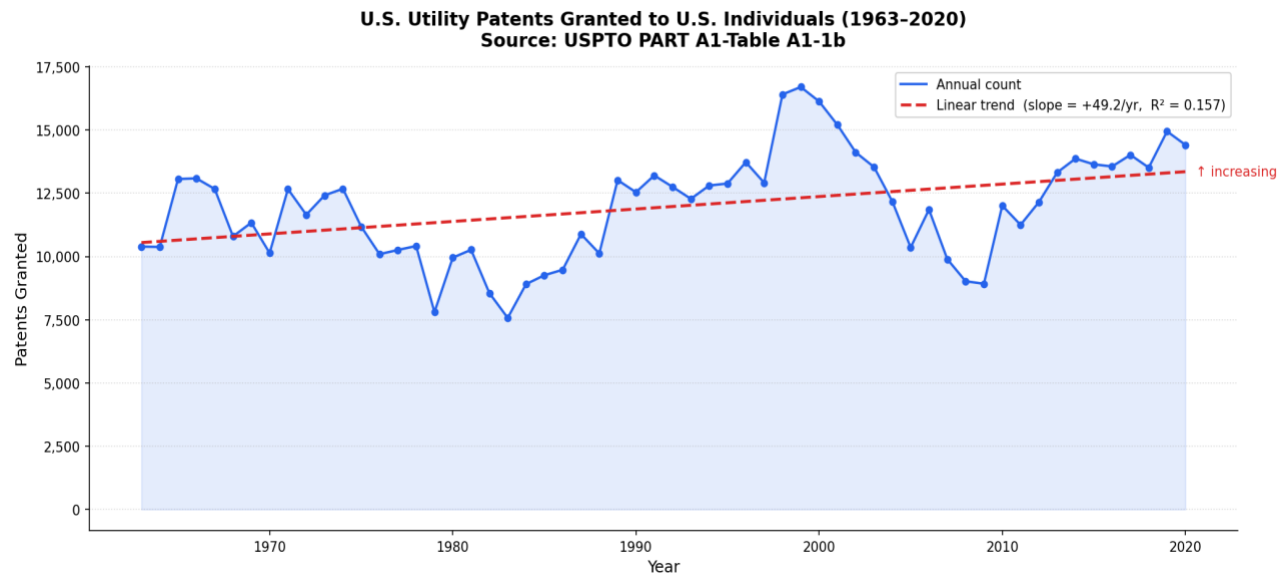


Figure 3.3.3.1.1. *Trend in patent grants to U.S. individuals, 1963-2020.* Figure by author.

In other words, the increase in patents granted to U.S. individuals has been far outpaced by gains for other groups. Figure 3.3.3.1.2 depicts the relative share of patents granted to each of the six ownership categories reported in the PTO data: U.S. Corporation, Foreign Corporation, U.S. Individual, Foreign Individual, U.S. Government, and Foreign Government. The chart reveals two dominant trends. First is the massive increase in the share of U.S. patents granted to corporations—especially foreign corporations. Combined, corporate U.S. and foreign companies have grown from comprising 70.1% of granted patents in 1963 to 93.9% in 2020. Over the same period, foreign corporate share of granted U.S. patents grows from 11.8% to 48%, overtaking U.S. corporations in the share of granted U.S. patents after 2007. U.S. corporations lose share from around 60% until roughly 1990 when their share of granted U.S. patents levels off around 45%.

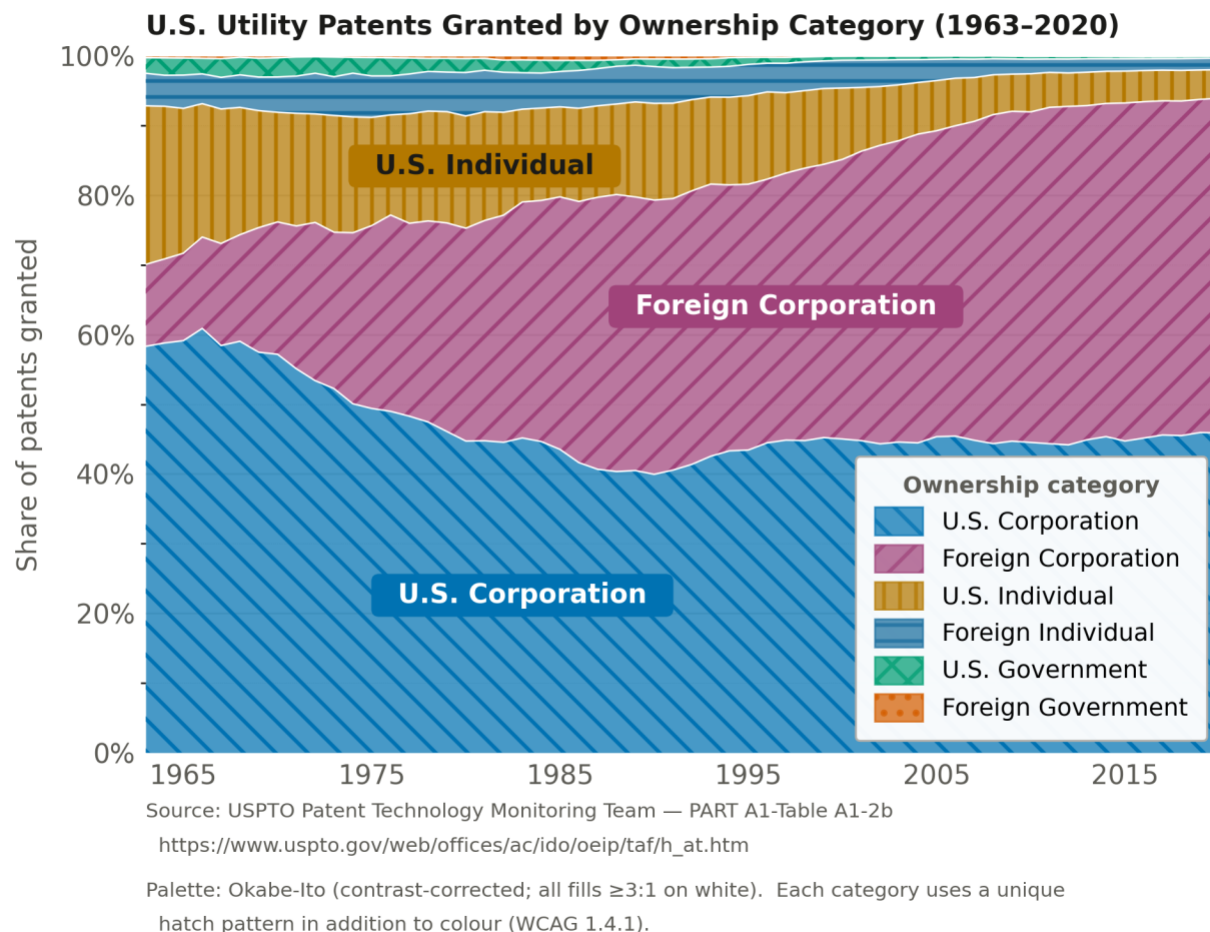


Figure 3.3.3.1.2. Share of patents granted by ownership category, 1963-2020. Figure by author.

The second clear trend in Figure 6’s data is the declining share of U.S. patents awarded to U.S. individuals—the shrinking orange band above the corporate shares. Figure 7 puts this data into even starker relief, emphasizing the way in which the decline in U.S. individuals’ share of the patents granted in the United States can be framed as a zero-sum loss to corporations—often foreign ones. Corporations, including especially foreign corporations, can be framed as squeezing U.S. individuals out of U.S. granted patents.

3.3.3.2 Discussion

That large numbers of patents (and the title inventor) are going to groups other than U.S. individuals represents a serious challenge to the power of the American Inventor archetype and the social status of Independent Inventors. “Power devaluation results from either increase in supply of those offering the same commodity in exchange or from a decrease in demand for that which is offered in exchange” (McVeigh 2014, 20). The availability of so many corporate and

foreign Inventors puts into question American Independent Inventors' ability to effectively claim the title of Inventor and the esteem associated therewith.

My qualitative data suggest how the shift in share of granted patents to commercial ventures can be perceived to undermine the status of Independent Inventors. Foreign and corporate Innovators differ in important ways from archetypal, independent Inventors. As my Inventor-Activist respondents maintained, foreign workers (especially from China) aren't thought to be raised with the independent spirit of Americans. They, like their corporate peers in the United States, work for others, for a wage, instead of as a vocation. They incur none of the personal risk and go through none of the personal trials to invent of the archetypal Inventor heroes. They may think that they're the "cat's ass" because they got a patent, but they don't know the virtue of independent, ascetic, productive struggle for America. That the title of Inventor on a U.S. patent is bestowed to corporate employees—especially employees of foreign corporations—more frequently than Independent Inventors weakens the association between the title and its social status. Figure 3.3.3.2.1 below dramatizes the point.

The Decline of the Independent Inventor

U.S. utility patents granted to U.S. individuals as a share of total grants (1963–2020)

U.S. individual share — 1963

22.8%

10,393 of 45,679 patents

U.S. individual share — 2020

4.1%

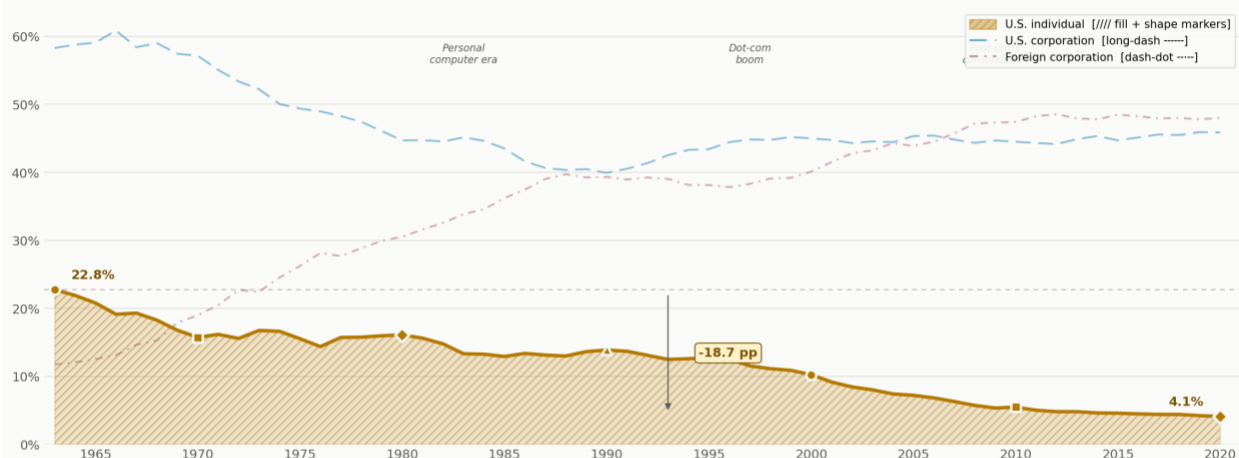
14,413 of 352,008 patents

Relative decline

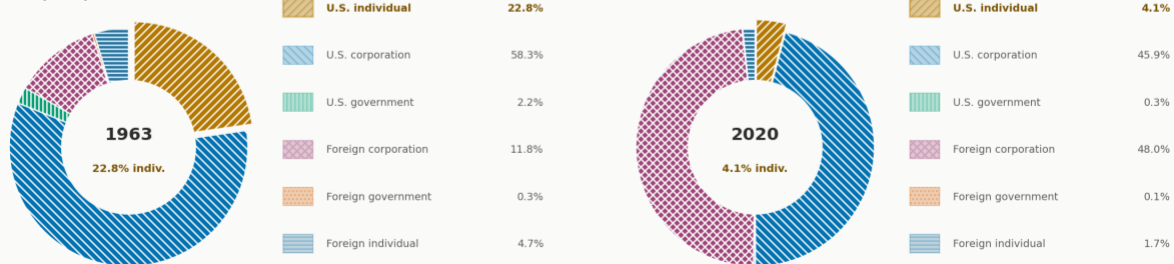
-82%

18.7 percentage points lost

Share of all U.S. utility patents granted — U.S. individuals (1963–2020)



Ownership composition — before & after



Accessibility: WCAG AA — all graphical colours ≥3:1; all text ≥4.5:1. Each category uses a unique hatch pattern, line style, and/or point marker shape.

Source: USPTO Patent Technology Monitoring Team — PART A1-Table A1-1b — https://www.uspto.gov/web/offices/ac/ido/oeip/taf/h_at.htm — Palette: Okabe-Ito (colorblind-safe, contrast-corrected)

Figure 3.3.3.2.1 Independent Inventor Decline infographic. Figure by author and claude.ai.

Moreover, the relative shares of granted patents by different groups—corporations and foreign Inventors especially—provide material support for the Inventor-Activists’ attribution of blame for their grievances as archetypal American inventors are replaced by corporate and foreign Innovators. Framed in this way, the threat to Independent Inventors is of a piece with the Power Devaluation that has motivated other Conservative Movements like the 1920s Ku Klux Klan, the Tea Party, and the Trump movement. Loss of economic mobility (as when jobs or lost or patents are weakened) combined with a threat to collective identity (foreign workers or large corporations) can be a potent reservoir of motivation for collective action, ready to be tapped at the right moment.

3.4 Conclusion

In this first empirical chapter of my dissertation, I find that inventors retain some cultural power even in an age of corporate innovation. That sort of power is the kind of resource that people try to defend. Possessing that cultural power is a form of privilege that can be exploited by inventors in other domains.

Yet I also find signs that it is increasingly difficult for Independent Inventors to claim the status of “Inventor.” Patents, one of the principal ways for independents to gain that title, have been flowing to U.S. individuals less frequently, as a share of issued patents, than previously. In other words, while the title “Inventor” retains its social status, that status-laden title is increasingly difficult for Independent Inventors to secure. Frustration that American Independents are losing ground in the patent space to large, foreign corporations can therefore provide a tenable frame for collective action.

The decline in Independent Inventors’ patenting activity has been ongoing, however—consistent with the dominant narrative about their decline. The long-term erosion of Independent Inventors’ access to the status of named Inventor on a U.S. patent may explain the grievances of Independent Inventors, but it cannot explain the timing of their mobilization. The next chapter completes the analysis of why Inventor-Activists mobilized when they did by examining the short-term threat that catalyzed the Inventor-Activists’ mobilization—which included a significant cultural threat to the hegemony of the Independent Inventor mythology: the Patent Troll.

Chapter 4

Inventing Threat: Independent Inventors’ Initial Mobilization

If it wasn’t for those two guys [U.S. Inventor founders Randy Landreneau and Paul Morinville], H.R. 9 would be passed. Right now, we [Independent Inventors] would be trolls. There would be laws against trolls, and we’d have a loser pays system... They single-handedly defeated that bill with a little bit of help. (Interview O223-1a at 457)

In the previous chapter, I examined the cultural context of Inventor-Activist mobilization and the erosion of Independent Inventors’ standing in the U.S. patent system. This chapter shifts the focus from the long-term cultural context to the short-term political context, focusing on the institutional arena in which Inventor-Activists operate. Grievances about the patent system and the decline of Independent Inventors might have been building over time, as the previous chapter suggests. But that doesn’t explain the timing of the Inventor-Activists’ mobilization. What changed in the patent policy arena, if anything, that led some Independent Inventors to become Inventor-Activists around 2015? Why did they mobilize when they did?

Political Process Theory (“PPT”), long a leading theory of Social Movements’ interaction with their political context, argues that so long as a movement has sufficient resources and organization, the timing of a Social Movement’s emergence often depends upon shifts in the political context on which the movement can seize as opportunities to act. Favorable possibilities offer positive inducements to action; threats offer negative inducements.

The patent arena, especially in the United States, is thought rarely to feature significant shifts. On this account, patent policymaking is a narrow, technocratic negotiation between industry sectors—especially pro-patent pharmaceutical companies versus patent-skeptical high-technology firms—such that reforms are incremental. The narrowness of patent policy debates in the United States admits of little contention: Patents are presumed to benefit Inventors, and thereby society, by incentivizing the continued development of technology (Parthasarathy 2017). The patent system, in its broad outlines, is unassailable: “Contemporary patent policy debates seem invariably to start from the premise that the patent system is a *fait accompli*” (Janis 2002). Change in the patent system is generally marginal and therefore not worthy of contention.

This chapter challenges this empirical understanding of the U.S. patent space as a politically closed arena and expands our theoretical understanding of threats and Social Movement emergence. Instead of the technocratic bargaining over minor changes which is thought to characterize the patent space, I find that Inventor-Activists perceived an imminent, specific, existential threat in the Innovation Act that led them to take to the streets in protest. The simultaneous political, economic, and cultural dimensions of the 2015 Innovation Act threat catalyzed their movement. It was a sufficiently *concrete* threat to induce Independent Inventors to launch an advocacy organization and a protest campaign. Below, I situate this finding in the theoretical literature on threat and political context in movement emergence, provide factual background on the Inventors’ mobilization, and outline the data and methods I use in this chapter, before describing the Inventor-Activists’ mobilization in response to threat and the inability of opportunity to explain the timing of their mobilization.

4.1 Background

Why would Inventor-Activists mobilize when they did, but not earlier? Was there something that changed in their political context that incited their mobilization? Social Movement theory provides a rich set of tools for studying the relationship between political context and Social Movement mobilization that emphasizes the role of concrete threats in movement emergence—like the emergence of the Inventor-Activists’ movement in 2015.

4.1.1 Threat and Innovative Collective Action

As scholars shifted their attention from the fascistic movements of the early part of the twentieth century to mid-century civil rights movements, the explanation for movement emergence shifted (Buechler 2011). Instead of irrational outbursts of rage, Social Movements were conceived as rational actors that mobilized when they acquired sufficient resources (McCarthy and Zald 1977, 2001) or perceived a favorable political opportunity (McAdam 1982).

At least in early iterations, it was thought that openness of the Political Opportunity Structure (“POS”) favors activists and closure of the POS inhibits action (e.g., Tarrow 1996). As Meyer and Staggenborg characterize McAdam’s original study, he found mobilization without general social disorder most likely in “situations in which one contender is better positioned to engage in effective collective action on particular issues” (D. S. Meyer and Staggenborg 1996, 1633) (citing (McAdam 1982, 44)).

More recently, scholars have also recognized that threats, such as imminent closures of the POS, can also be occasions for mobilization (Almeida 2018). Threat is especially likely to be salient to movement mobilization in countries like the United States, where government institutions are relatively porous (Hacker et al. 2021, 2022a). As McAdam puts it about such open political opportunity structures, “in polities where there is some expectation of state responsiveness and few formal barriers to mobilization, we should expect perceived threats to group interests to serve, along with expanding opportunities, as two distinct precipitants of collective action” (McAdam 1999, xi).

Studies of political context and collective action today recognize that threat and opportunity are generally both required for collective mobilization (Zepeda-Millán 2017, 7). “[T]hreats and opportunities co-occur, and most people engaging in contentious politics combine response to threat with seizing opportunities” (Tilly and Tarrow 2015, 60). This parallels comparative findings on the relationship between POS and movement mobilization, which suggests the relationship between the openness or closure of a POS and the emergence of a protest movement is curvilinear (Eisinger 1973; Kitschelt 1986, 62).

The key act in precipitating collective action is framing some aspect of the political context—threat or opportunity—as a reason for collective action. Social Movement participants need an “oppositional consciousness,” or a belief that they are being treated unfairly and should act collectively to demand redress (A. Morris and Braine 2001). In PPT, McAdam called the process by which people acquire that mindset “cognitive liberation” (McAdam 1982). An emergent political opportunity could trigger cognitive liberation by signaling to aggrieved movement participants that they had a newly improved chance at achieving change. Inspired by PPT, Rory McVeigh’s theory of right-wing movements emphasized a similar cognitive transformation (McVeigh 2009, 42–45). Those movements emerged when they could frame social, economic, or political changes as threatening to devalue the group’s power and therefore worth resisting collectively. Generalizing from the two theories, a movement emerges when it can frame some event as a reason to act collectively and urgently. But what sort of events are amenable to such framing?

Rafail and McCarthy (2023) offered one answer in their study of the Tea Party, which they found emerged in response to the election of Barack Obama. They found that Obama’s ascendancy represented a “perfect interpretive moment” for the Tea Party. Tea Party supporters were generally older, white, middle-class people who tended to believe in free-market economics and limited government. But Pres. Obama was young, Black, Harvard-educated, and willing to invest

in social programs.²⁹ He was perceived by Tea Party supporters as elite and unamerican, with economic policies that were hardly *laissez-faire*. Yet there was something special about him personally, beyond the ideology and the characteristics, that Tea Party supporters opposed. Researchers studying Tea Party supporters who controlled for such variables found a residual antipathy that was specific to Pres. Obama (Parker and Barreto 2013). The Obama Administration, then, embodied a present and potent threat around which the Tea Party could mobilize.

What made the Obama administration a “perfect” threat? Implicit in these studies is that the threat was sufficiently *concrete*. By that I mean that it was imminent, specific, and significant. The appearance of such a concrete threat marks an occasion for mobilization. Less interpretive work need be done for a threat movement supporters can perceive directly. Indeed, social psychologists have found that people are more likely to believe statements when they are put in concrete terms (Wänke 2010). Concrete threats are powerful inducements to action.

4.1.2 Concrete Threat and Mobilization

Concrete threats, as I use the term here, are imminent, specific, and significant. Imminent means a threat is happening or is about to happen. Specific means that the threat is about to happen to an identifiable group. I follow McVeigh’s Power Devaluation Theory (“PDT”) in defining a significant threat as one that threatens a group’s social status, economic resources, and/or political clout (McVeigh 2009, 38–42). Instrumental movements, counter-movements, and Conservative Movements all have featured such concrete threats in their emergence and mobilization.

McCann’s (1994) study of legal mobilization in the pay equity movement nicely illustrates the point for instrumental movements. The pay equity movement sought to reduce pay disparities between higher-paying jobs performed by mostly men and comparable but lower-paying jobs primarily performed by women. Movement leaders used lawsuits challenging those pay disparities at particular workplaces as occasions for activism, such as rallies and other media events, even if they didn’t have especially strong legal arguments. Although they did not ultimately prevail in courts, the movement was able to leverage the suits and the extra-institutional pressure generated by their mobilization around the suits into tangible change—better pay for comparable work. By concretizing the problem—a particular employer, underpaying identifiable women, right then—and ensuring that women understood the problem as a threat to all of them, activists could mobilize supporters and generate leverage for change (see also Burstein 1991).

²⁹ Skocpol (2025) faults Rafail and McCarthy for overvaluing economic anxiety relative to racial anxiety in explaining the rise of the Tea Party. I suspect those explanations are more closely related than her critique admits, given the centrality of Obama’s election in her work on the Tea Party’s emergence (Skocpol and Williamson 2016, 31). In any case, Pres. Obama represented at least as concrete a threat in racial terms to the predominantly white Tea Party supporters as he did an economic threat.

Concrete threats have played a role in mobilizing other instrumental movements as well. Kriesi theorized that “instrumental movements that seek to obtain specific collective goods or to prevent specific collective ‘bads’ are likely to be heavily dependent on the opportunity structure” especially where those movements’ organizational weaknesses make them reliant “on external support by allies” (Kriesi 1995, 193). The specificity of the interest makes changes in the political realm especially salient for such groups. Anti-nuclear movements in the United States and Europe, for example, were initially motivated by the threat of particular nuclear projects being located near those projects’ middle-class neighbors when those projects became politically viable (Kitschelt 1986).

A more recent example of an issue-focused, instrumental movement mobilizing in response to concrete threats is the Movement for Black Lives. The Movement for Black Lives formed as a response to public and police violence against black communities—the killings of black citizens with no legal repercussions (Heaney 2022). Threats to life and limb from institutionalized violence were concretized in the deaths of people like Trayvon Martin, Eric Garner, George Floyd, and Breonna Taylor. Indeed, concretizing the threat of racial violence has been a core tactic of the movement, repeating the last words of people facing such threats like “I Can’t Breathe” or insisting that we #SayHerName (Apatha 2020; Crenshaw et al. 2023; Richardson and Ragland 2018).

Although it formed earlier, the immigrant rights movement mobilized significant protest campaigns in response to threats of immigration law changes, with life-or-death stakes for the people subject to removal—a sort of tactical innovation (Ganz 2000; McAdam 1983). But the extent of the movement’s mobilization has depended at times on its ability to ensure that all immigrants recognize the threats. The racialized nature of the threat from a bill targeting undocumented immigrants proposed in 2005, for example, led Dominican and Mexican immigrants to turn out in New York City to protest but not members of other immigrant groups, who did not see the bill as a threat to them. “[D]emonstrating how both the general American public *and* immigrants of color themselves adopt racialized notions of illegality—believing that ‘illegal immigration’ is solely a ‘Mexican problem’—several *non*-Latino immigrant groups failed to mobilize to the same extent because many of them (often mistakenly) did not feel as threatened by the proposed nativist bill” (Zepeda-Millán 2014, 880). Insufficiently specific threats are not as effective at mobilizing.

Even our canonical stories about the role of opportunity in motivating the mid-century Black civil rights movement may be more attributable to concrete threats than PPT allowed. McAdam has taken his own early work to task for failing to appreciate the role threat played in the civil rights movement:

In my reassessment of the case, threat has as much, if not more, to do with the origin of the conflict as does opportunity. Only movement forces were animated by a shared perception of developing opportunities. The critical early actions of federal officials and southern elites were clearly motivated by varying conceptions of threat. Southern segregationists correctly interpreted shifting federal policies on race as profoundly threatening their interests, while those federal officials who pressed for these policies

were motivated to do so by the threat of growing Soviet influence around the globe (McAdam 1999, xxxi).

McAdam agrees that threats at each level of the political context were important to the emergence of the movement, from the global threat of Soviet influence to the local threats of Black civic participation.

Still McAdam doesn't appear to fully appreciate the role of concrete threat in mobilizing civil rights advocates, or "movement forces" as he put it. Such threats were horribly vital to civil rights mobilizations, however. Emmett Till's murder and his mother's decision to hold an open-casket funeral, for example, concretized the terror of White supremacist violence. That threat, embodied in a brutalized young boy, moved at least hundreds of thousands to action (D. S. Anderson and Bond 2017; Richardson and Ragland 2018). Similarly, Barkan's (1984) comparison of Southern cities' response to protest is a classic study of how repression and the threat thereof instigated protest by civil rights advocates once the Black civil rights movement was underway. Shockingly concrete threats of racist violence motivated many to act in defense of Black civil rights—much like George Zimmerman's vigilante killing of Trayvon Martin inspired the Movement for Black Lives.

In addition to instrumental movements, counter-movements also have been found to emerge in response to concrete threats. Indeed, counter-movements are definitionally about opposition to another movement; they're inherently structured around a threat posed by a particular movement rival (D. S. Meyer and Staggenborg 1996). The logic of counter-movement emergence tracks McAdam's cognitive liberation except insofar as threat stands in for opportunity: A counter-movement is likely to emerge when a movement (or similar social force) stands ready to succeed in achieving a change that threatens the counter-movement's interests, and the counter-movement has support in resisting that change (D. S. Meyer and Staggenborg 1996, 1635). A counter-movement mobilizes in response to the threat posed by a movement or emergent social force, so long as the counter-movement has some tenable way to stop the threat—threat alongside opportunity. Importantly, the relationship between the likelihood and extent of movement success (*i.e.*, the seriousness of the threat) and counter-movement mobilization is curvilinear: imminent "decisive" victories for one side or the other don't admit much contention—there's no reason to contend over an issue that is resolved (D. S. Meyer and Staggenborg 1996, 1635–37)—nor one that poses a *de minimis* threat.

An archetypal example of a counter-movement is the pro-life movement that organized in the wake of the threat they saw in *Roe* (Luker 1985). Luker's work explores how pro-life women mobilized against abortion because they saw the fight as a proxy battle over women's increasing role in public life, which they vehemently opposed. The "Resistance" movement to the Trump Administration and its allies is another eponymous example of a counter-movement, targeting a rising conservative movement politics for opposition (E. by D. S. Meyer and Tarrow 2018; Tarrow 2021, 191–97). It closely parallels right-wing opposition to the multi-faceted threat they perceived in President Obama (Parker and Barreto 2013; Rafail and McCarthy 2023; Skocpol and Williamson 2016)

Threat—and what makes threats concrete—also has been important in studies of Conservative Movements in defense of privilege, such as the Tea Party, and right-wing movements, such as

White Nationalism (Dietrich 2015; Lo 1982; McVeigh 2014; P. D. S. Meyer and Dyke 2014; Parker and Barreto 2013, 2013; Rafail and McCarthy 2023; Skocpol and Williamson 2016; Van Dyke and Soule 2002). McVeigh’s PDT is an exemplary version of a theory that specifies the types of interests against which threats can be mobilizing for such movements—significant threats, as I’ve used it here, that movement leaders can frame as specific and imminent.

Based on studies of Conservative Movements from the Ku Klux Klan to the Trump era, McVeigh and colleagues find threats to the power of privileged groups explain their mobilization (McVeigh 1999, 2001, 2009, 2014; McVeigh and Estep 2020). For these privileged groups, with relatively high economic security, political influence and social status, it is grievances—and threats to their privilege that can instantiate those grievances—that best account for the timing of movement mobilization. Threats activate and maintain the grievances that make collective action by the privileged seem necessary and important. Threats to the privileged across multiple domains—economic, political, and cultural—are especially likely to lead to collective action by conservative groups. When a group can frame social change as a threat to an identified group, that leads the group to enlist its organizations and seize opportunities for mobilization. Figure 4 from McVeigh’s *The Rise of the Ku Klux Klan*, reproduced below as Figure 4.1.2.1, illustrates this phenomenon graphically. Protest becomes especially likely when a group’s political, economic, and cultural power is threatened, according to PDT, as that decreases the group’s chances of succeeding within institutional channels.

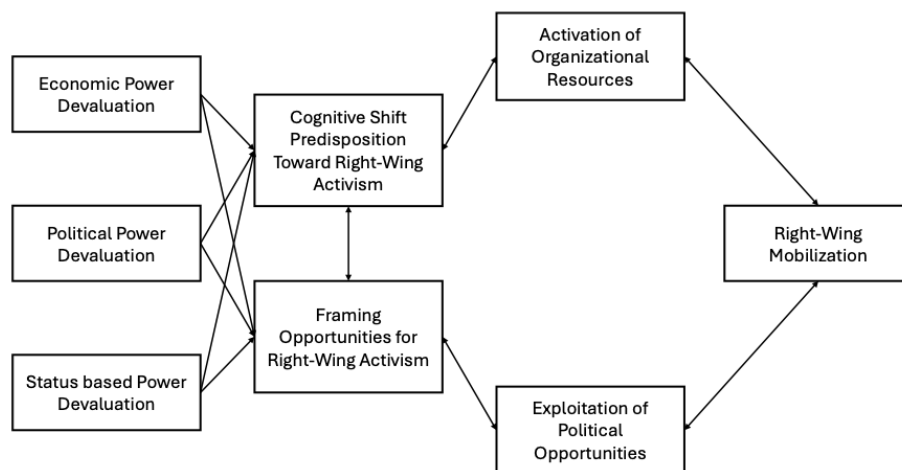


Figure 4.1.2.1. *McVeigh's Power Devaluation Model.* From McVeigh (2009, 39)

McVeigh conceptualizes power devaluation as the loss of purchasing power in one or more exchange markets. The economic market involves exchanges of goods and services for money (McVeigh 2009, 40). The political market involves exchanges of votes or money for “representation and political patronage” (McVeigh 2009, 40). “Within a status market, individuals and groups offer certain behaviors, traits, cultural knowledge, and tastes in exchange for esteem from others” (McVeigh 2009, 41). Although conceptually distinct, these three markets are interrelated; power within one market can be exchanged for power in another market (McVeigh 2009, 41–42). For example, McVeigh has argued that the rise of the Ku Klux Klan as

an extra-institutional social movement can be interpreted as an attempt by middle-class white Protestant Americans to flex their cultural muscle (their “status”) in response to economic and political changes that threatened their power, such as Catholic immigration or increased employment of Black workers in urban centers (McVeigh 1999, 12).

Similarly, in the last chapter we looked at how Independent Inventors have used their social status to support their calls for strong patent rights, trading cultural leverage for political leverage—or at least trying to do so. The response of a Conservative Movement in such circumstances will generally be to lean into a cultural identity that can mobilize people to resist the economic and political threats, demonstrated (and made concrete) through extra-institutional tactics like protest that dramatize the perceived injustice.

4.1.3 Independent Inventors’ Failure to Mobilize Before 2015

While I will primarily deal with the rise of Inventor-Activist organizations in a separate chapter, political context and organizational capacity are not unrelated. “It is the organizational vehicles available to the group at the time the opportunity presents itself that condition its ability to exploit the new opening. In the absence of such vehicles, the group is apt to lack the capacity to act even when afforded the opportunity to do so” (McAdam 1999, ix).

The previous chapter suggests that the grievances underlying Independent Inventors’ mobilization have been emerging over time: Since the middle of the twentieth century, Independent Inventors have been declining as a share of the American population and, even faster, as a share of American patentees. Yet Independent Inventors had not resisted collectively in any meaningful way that decline (Hintz 2019, 2021a) or the specific patent law changes by which they are now aggrieved before 2015 (Tuttle and Mangus 2021). The Inventor-Activists therefore represent the core of what McAdam describes as a Social Movement—a previously non-political group that becomes politically engaged and uses at least partially extra-institutional tactics to pursue change (e.g., McAdam 1999, xx).

At the time legal changes occurred, Independent Inventors were largely silent about the patent law reforms about which they are presently aggrieved. The United Inventors of America (“UIA”), a national inventor support group spun out of a Patent Office initiative in 1990, submitted an *amicus* brief in *eBay*, but it is generally apolitical (see Chapter 6 on organizations). Inventor groups participated only sporadically in subject matter eligibility litigation as *amici*. There was no significant Independent Inventor advocacy organization—a membership organization expressly focused on Independent Inventors’ collective political interests—until U.S. Inventor was formed in 2015.³⁰ Why then? What was different at that time?

³⁰ There was one group, the Professional Inventors Alliance, that articulated a similar heroic Independent Inventor identity in the service of techno-nationalist ends to that of U.S. Inventor. But that organization, with its eccentric leader, faded just as patent reform was gaining traction around 2005. That organization ceased operating right before the “patent troll” narrative that drove the ensuing reforms emerged.

4.2 Data and Methods

What did the Inventor-Activists perceive in their political-economic context that led them to organize and mobilize in 2015? Can opportunity account for their mobilization as well as threat? Data used to answer these questions in this chapter are comprised of three components. Details can be found in the Methodological Appendix.

The first set of data is Inventors' perceptions. Rather than privilege my *ex ante* suppositions about the Inventor-Activists' motivation, I chose to observe Inventor-Activists directly and ask participants at national and local Independent Inventor Organizations, both those that were involved in the protest campaign and those that have not been, what motivated them to act (or not). Organizations were purposefully sampled to include national groups that did and did not participate in protests and local groups in locations where protests did and did not occur. At each membership Organization, I interviewed multiple participants, including leaders and rank-and-file members. I conducted 16 formal interviews as well as an impromptu focus group with five knowledgeable members of the Independent Inventor community that consented to participate in the project. In this chapter, I rely heavily on interviews with such Key Informants, or people with broad knowledge of Independent Inventor Organizations and the Inventor community. This approach is similar to Rupp and Taylor's (1987) study of the women's movement during the 1950s, the interview data for which comprised 12 interviews with Key Informants and 33 confirmatory interviews with members of local feminist organizations.

I also draw below on my observation of protest events and inventor group meetings, an approach common to studies of incipient movements (Skocpol and Williamson 2016). I attended in-person and observed protests in San Jose, Phoenix, and Washington. I reviewed video and media from all other inventor protests. And I attended two of U.S. Inventor's Annual Conferences, in 2023 and 2024, at which I observed approximately a dozen meetings between members of U.S. Inventor and congressional and administrative staff, including in-person and virtual meetings with PTO Directors. These meetings were invaluable in allowing me to directly observe the interpretive packages offered by Inventor-Activists to legislators they hoped to win over—the way they tried to construct political opportunity in the field.

Finally, I also draw on the legal history of patent policy in the United States, especially in the recent period. In doing so, I rely in part on conventional sources such as computer databases of cases and briefs as well as Congressional publications.

I also rely on two tools for computational text analysis of legislative and judicial history that operate on a similar basis as the dictionary analysis of Wikipedia biographies in the last chapter. The Law Library at Brigham Young University maintains searchable text corpora to assist in legal interpretation, both historical and contemporary. Rather than build a bespoke corpus like I did in the previous chapter with Wikipedia biographies, here I use the BYU corpus linguistics tools for analyzing texts relevant to the legal field. I query a corpus comprised of the full text of the Congressional Record and another comprised of all judicial records contained in the Caselaw Access Project (a group that uses the public to collect and make available court documents) for

the principals of the key narratives under discussion: “independent inventor”³¹ and “patent troll.” In effect, I perform a small-scale dictionary analysis of the relative prevalence of each archetypal identity over time. By analyzing a corpus of legislative and a corpus of litigation documents, I can roughly measure the relative strength of each identity within these institutional contexts—a core part of what Social Movement scholars sometimes call the “discursive opportunity structure” (Ferree et al. 2002; Ferree 2003).

These corpora are appropriate means for analyzing such records. The point of the corpora at BYU is to let judges access their text data for assistance in interpreting the meaning of legal texts based on, for example, relative frequency of term usage in around the time that text was drafted (Lee and Mouritsen 2021; James C. Phillips et al. 2016; James Cleith Phillips and Egbert 2017; Solum 2015, 2017; Solum and Barnett 2023). Courts have begun to accept that invitation.³² Moreover, I triangulate those findings with a similar search of Google Books data on term usage in their massive database of popular texts—all of which yield roughly consistent findings.

4.3 Findings

Threat, rather than opportunity, predominates in the emergence of the inventor-activist movement. The first Inventor-Activist protest I attended in person was an event outside of the PTO’s San Jose office to commemorate the decennial anniversary of the AIA in fall 2021. There was no pending patent legislation or other discernible political opportunity at the time. But the inventor-activists turned out to protest anyway, extolling their grievances about the AIA and the PTAB it unleashed. The inventor-activists wore matching black shirts that confirmed their threatened identity: “*Homo sapiens inventoris*: Endangered Species” (Field Notes). They carried signs asking for the reversal of the AIA so that they could “Say NO” to the sources of threat to inventors: “Corporate Tyrants”, “Big Tech Bullies”, and the “Chinese Communist Party” (Field Notes). This preoccupation with threat has been a constant at other inventor-activist events, including various innovations such as their first efforts at collective mobilization and their first protest campaign.

4.3.1 The Innovation Act’s Concrete Threat to Independent Inventors

³¹ I use the term “independent inventor” instead of alternatives like “individual inventor” or “sole inventor” advisedly. Although some literature invokes the former (C. Cotropia 2009), “independent inventor” is the more common usage in both corpora. “Sole inventor” appears frequently, but it is often used in the context of distinguishing a single creator from “joint inventors” in disputes over properly identifying collective inventions and not as a signifier of substantive independence.

³² At the Supreme Court, see *Moore v. U.S.*, No. 22-800, 602 U.S. ____ (2024) (Barrett, J., concurring in judgment) (citing an *amicus* brief using a BYU corpus to interpret the word “income” in the 16th Amendment); *Carpenter v. U.S.*, No. 16-402, 585 U.S. ____ (2018) (Thomas, J., dissenting) (relying, in part, on two BYU corpora to refute the historical existence of a “reasonable expectation of privacy” test).

Although my earliest awareness of the Inventor-Activists' movement related to the 2016 protests against Darrell Issa in San Diego, Key Informants revealed that the initial informal mobilization was earlier, in response to the threat posed by the Innovation Act.³³ That threat got the Inventor-Activists to leave their labs, "put on a suit," and head to Washington (Interview O-384-2 at 28), where they could try to parlay their cultural standing as sympathetic American heroes into meaningful political opportunity to resist what they saw as another looming anti-patent reform.

As the Act worked its way through Congress in early 2015, prominent members of the inventor community, with support from business and political allies, reached out to their network and encouraged inventors to fly to Washington, DC to join Paul Morinville and Randy Landreneau to lobby against the bill. This effort culminated on April 15, 2015, when advocates for inventors staged a "hearing" in the Longfellow Office Building at which independent inventors and their allies and benefactors attacked the Innovation Act. According to one participant, this was the first time inventors had come to Washington to lobby as a group; they believed their mobilization to be innovative collective action (Interview O384-2 at 24). Their efforts would eventually lead to the first protest campaign in the fall of 2016.

Why was the Innovation Act such a pressing issue? Why was it so important that Independent Inventors decided to leave their labs, garages, or basements and go to Washington? The Innovation Act represented a concrete threat to independent inventors in 2015. Its passage was imminent, some of its effects were perceived as specific to Independent Inventors, and it represented a significant threat of devaluing Independent Inventors' power.

4.3.1.1 The Imminent, Specific Threat of H.R. 9

The America Invents Act "AIA" passed in 2011. It was the first significant reform of the U.S. patent laws since the Patent Act of 1952, which added the nonobviousness patentability requirement. The AIA was designed to limit enforcement of so-called "bad patents"—patents that should not have been issued because they didn't actually meet one of the patentability requirements of the Patent Act. In addition, it was animated by an emerging worry about patent litigation abuse, something that has periodically been a concern. The "patent troll" narrative was emerging at this time, according to which legitimate innovators are shaken down by companies that make nothing, buy patents, and then sue companies on whose products those patents might arguably read to extract nuisance-value settlements. The bill switched the U.S. from a first-to-invent to a first-inventor-to-file system, whereby the first inventor to file their patent application for an invention wins priority of invention. It also adopted post-grant review procedures for issued patents, including the proceedings at the PTAB about which the Inventor-Activists have protested.

Proponents of patent reform thought it didn't go far enough and proposed follow-on legislation called the Innovation Act. One of those proponents was President Obama, who said on February

³³ This is one reason why key informant interviews are especially useful for small and nascent movements that operate out of the media spotlight. They can reveal information that is not contained in public archives.

14, 2013 that he thought the AIA only got about “halfway” toward addressing patent litigation abuse by firms that “hijack” other people’s inventions and “extort” them.³⁴ Congress heard the call and was holding hearings on what would become the Innovation Act shortly afterward. “Although the ink from the American Inventors Act [*sic*] [was then] still setting,” Congress a month later began considering a new bill to deal with “[p]atent assertion entities, or patent trolls, [which] appear to be at the root of many problems.”³⁵ Like the AIA, the Innovation Act had strong bipartisan and administration support.

The rhetoric about “patent trolls” in the hearings on the Innovation Act was striking. Take this statement from one witness at the first hearing on March 14, 2013:

Now, we have never lost a patent troll case, but that does not mean we are not losing. Patent trolls are business terrorists. Their weapons of mass destruction are software and business method patents with fuzzy boundaries that can be asserted against many different products, many different companies, in many different ways.

And the terror is not really the threat of losing the case. It is the cost to fight.³⁶

“Patent trolls” were “business terrorists” who wielded “weapons of mass destruction” with their vague patents and desire to extract nuisance settlements. This sort of rhetoric was common from many Innovation Act proponents while it was pending in Congress.

There were some concerns that the definition of “patent troll” and the scope of the proposed reform were both too broad. Rep. Watt, for example, worried at that hearing that the bill swept too broadly and might adversely affect Independent Inventors.³⁷ Another witness made the point more vividly, saying that “Thomas Edison was one of the original NPEs” (using a euphemism for “patent trolls”: Non-Practicing Entities, or “NPEs”).³⁸ But these overbreadth concerns didn’t slow the momentum to do more to stop patent litigation abuse.

The Innovation Act contained multiple provisions designed to restrict patent litigation abuse that would have significantly affected patent litigation in the United States. Some of these changes were technical, such as requiring patent infringement plaintiffs to provide more detail about their

³⁴ Executive Office of the President, *Patent Assertion and U.S. Innovation* (June 2013), p. 2 (available at https://obamawhitehouse.archives.gov/sites/default/files/docs/patent_report.pdf).

³⁵ *Abusive Patent Litigation: The Impact on American Innovation and Jobs, and Potential Solutions*, 113th Cong. 1 (2013) (statement of Rep. Howard Coble).

³⁶ *Abusive Patent Litigation: The Impact on American Innovation and Jobs, and Potential Solutions*, 113th Cong. 42 (2013) (statement of John Boswell, Sr. V.P. and General Counsel, SAS Institute, Inc.).

³⁷ *Abusive Patent Litigation: The Impact on American Innovation and Jobs, and Potential Solutions*, 113th Cong. 3 (2013) (statement of Rep. Melvin Watt).

³⁸ *Abusive Patent Litigation: The Impact on American Innovation and Jobs, and Potential Solutions*, 113th Cong. 53 (2013) (statement of C. Graham Gerst, Partner, Global IP Law Group, LLC).

infringement allegations in their opening complaints, restricting the venues available to patent infringement plaintiffs, and staying discovery in patent cases while preliminary motions are pending. It also changed the rules for post-grant review proceedings to permit parties to bring new post-grant proceedings challenging the validity of an issued patent based on grounds that they did not raise in a previous proceeding, even if they could have raised those grounds in the earlier proceeding. This would have allowed serial challenges to patents.

The most substantial change in the Innovation Act was a fee-shifting provision that would have implemented a “loser pays” system for American patent law. The so-called “American rule” in litigation is that, by default, each party pays their own costs and fees regardless of the case’s outcome.³⁹ The Patent Act permits an award of fees and costs to prevailing parties where cases are deemed exceptional (35 U.S.C. § 285). The Innovation Act would have made this the ordinary course in patent cases. In the specialized patent market, litigation costs and fees can easily run into the millions or tens of millions of dollars.

Adding bite to the fee-shifting provision, the Innovation Act extended liability for fees awarded under it to any entity that had a material interest in the litigation or the patents-in-suit. This provision permitted “piercing the corporate veil” to reach the companies and individuals with an interest in patents and patent litigation, including the funders, assignees, and licensees of Independent Inventors, as well as the Independent Inventors themselves. The bill would let a prevailing patent defendant recover costs and fees from the plaintiff and, if the plaintiff was judgment-proof, from interested non-parties such as patent owners or litigation funders.

Inventor-Activists feared the personal downside risk of filing a patent suit under this regime would be especially significant for Independent Inventors with few resources. “Most little guys ... if you lose and you have to pay the expenses you’ll end up bankrupt,” said one of the changes envisioned by the Act (Interview O384-1a at 39). Inventor-Activists also worried about the indirect impact of the act on Independent Inventors, as the potential extension of liability to litigation funders—with the accompanying obligation that they be identified and disclosed in litigation—might deter anyone from investing in the Inventors’ fragile businesses (Interview O384-1a at 39-41, 51). How that affected individual mobilization discussed in Chapter 5. As one Key Informant put it, permitting successful defendants to “pierc[e] the corporate veil” and recover damages from patent plaintiffs and their privies threatened to remove the “grease that’s under the skids” of inventing (Interview O384-2 at 26).

Concerns about these changes and the existing state of patent reform had led investors to pull out of Mr. Morinville’s business. Morinville and a few others started sounding the alarm on behalf of Independent Inventors because they thought it swept too far. They tried to meet with legislators, but momentum for the bill built rapidly. The Innovation Act passed the House of Representatives by a lopsided 325-91 margin on December 5, 2013 – before Sen. Leahy stalled the bill in May 2014 and the midterm elections intervened.

The Innovation Act was reintroduced as H.R. 9 in February 2015 shortly after the 114th Congress convened. It had 19 original cosponsors, including members of both parties, among them Rep.

³⁹ See, e.g., *Alyeska Pipeline Svc. V. Wilderness Soc’y*, 421 U.S. 240 (1975).

Darrell Issa (R-CA). That's why Mr. Morinville remained in Washington in 2015 working against the bill, where he had been since his investors pulled out of his business several years earlier (Morinville 2015).

A widely shared tale amongst the Inventor-Activists about the threat of the Innovation Act and the early resistance to it involves a personal exchange between USI founder Paul Morinville and Rep. Issa shortly after it had been re-introduced. As Mr. Morinville tells it:

It's like second week of March ... I'm in an elevator. Darrell Issa walks in. It's just me and him and I said, "Are you Congressman Issa?" And he puts his hand out and he's shaking my hand. He says, "Yes, I am." I said, "I'm Paul Morinville." And his fingers go straight, he pulls his arm back, his head turns sideways, and he looks back at me just mad. And I thought, "Man! That was a visceral reaction." I've never – I've never seen anybody do that and I thought, "Well, you know, I got to figure out what this is." So I said, "You know, Congressman, I'm on my way to your office right now to set a meeting with your staff." And he looks at me just mad as hell, and he says, "I'm sure they're expecting you." And the elevator door opens, he takes three steps out, and he turns around and points his finger at me and says, "H.R. 9 passed 325 to 91 last year it's going to pass again this year!" and storms off ... And I thought, "Man, that was the reaction! That worked." He was getting pressure. (Morinville Interview at 65-67)

Key Informants and other Inventor-Activists I met viewed Mr. Morinville's personal encounter as a pivotal moment in the development of the Inventor movement—a cinematic meeting where battle lines were drawn as Mr. Morinville stared down a personification of the threat facing Independent Inventors (Interview O223-1a at 200-10). For his part, Mr. Morinville learned two things in this encounter. One was that his agitation against the Innovation Act was getting under Rep. Issa's skin—something he took as a sign of progress. The second thing was that Rep. Issa was determined to pass the Innovation Act. The threat was imminent.

Shortly after this encounter, soon-to-be U.S. Inventor co-founder Randy Landreneau, who had been working informally with Mr. Morinville, initiated a "panic call" for "inventor club owner [or] runners around the country and the nonprofit owners and said, 'You know we've got to get into Washington. We got to let them know this is going to be a death knell'" (Interview O384-2 at 10). Mr. Landreneau was a former President of the Tampa Bay Inventors Council. He reached out to leaders of other local Independent Inventor Organizations like Adrian Pelkus with the San Diego Inventors Forum and Steve Lyon at The Inventors Network in Minnesota and got them and other allies to come to Washington to stage an event describing the evils of the Innovation Act. It was this imminent, specific, significant threat to Independent Inventors—the looming "death knell" of H.R. 9—that led leaders of the Independent Inventor community to come together initially.

Both at their April 2015 "hearing" and later in interviews, the Inventor-Activists described the Innovation Act in ways that confirmed they perceived it as a concrete threat (e4growth 2015). Addressing a room full of Congressional staffers, Charles Sauer of Entrepreneurs for Growth and

the Inventor's Project,⁴⁰ which organized the event on Capitol Hill, acted as emcee. Joining him were eleven other speakers, most of whom were also Independent Inventors. This included Messrs. Morinville, Landreneau, Pelkus, and Lyon as well as United Inventors Association President Warren Tuttle, venture capitalist Gary Lauder, and some others. Louis Foreman, of the invention promotion firm Edison Nation was there, despite having stood on stage with Pres. Obama at the signing of the AIA.

Mr. Sauer began by distinguishing the event from his routine lobbying because the resurgence of interest in the Innovation Act as H.R. 9 was an "emergency" that needed to be addressed. Even in their opening statements, speakers were clear about the specific threat this bill posed to Independent Inventors. Mr. Landreneau, for example, noted it would be a disaster for the independent invention ecosystem. Mr. Lauder called the bill "an existential threat" to Independent Inventors. Mr. Pelkus broadened the threat in his opening remarks, saying "the entire foundation of our country is going to be destroyed by these new bills."

The speakers took turns addressing the threat from each provision of the legislation, but they focused a lot of ire on the impact of the fee-shifting and veil-piercing provisions, which they feared would aggravate the already large asymmetries between Individual Inventor patentees and corporate accused infringers. Mr. Morinville said that the provision would make patents and small businesses vulnerable to patent claims "radioactive." Mr. Lauder put it starkly: "people will die" because of the negative impact on the patent system and investment in patent-based companies caused by H.R. 9.

The Inventors were joined by their chief supporter on the Hill, Rep. Thomas Massie (R-KY), for a cameo in the middle of their presentation. A Republican with strong libertarian leanings, Rep. Massie is also an Inventor with patents from his education at MIT and from his work as an Independent Inventor afterward, before he was elected to Congress. He gave a rousing address that positioned Inventors at the core of America:

Our country was founded on the notion that you own what you create. This was a new deal. ... Every government before, the government basically had the rights to whatever you created. ... It's not in the Bill of Rights, it's not an amendment to the Constitution—this is in our Constitution. And we had Inventors that wrote the Constitution. They knew that it was to promote the progress of the useful arts and sciences that patents and trademarks needed to exist, and copyrights.

Notably, his comments emphasized the origins of patent rights in the Constitution. This reverence for founding-era documents is characteristic of especially reactionary conservatives, like some in the Tea Party (Parker and Barreto 2013). He worried that the concern about over-enforcement of patents had "populist appeal" but was "dangerous" for Independent Inventors and, by extension, the country.

⁴⁰ Inventor's Project is ostensibly an advocacy organization for Inventors run by Mr. Sauer. It is not a membership organization. It does not engage in protest. Although Mr. Sauer supported the earliest organizing efforts of U.S. Inventor, he quickly parted ways with the group because he did not share its taste for confrontational, extrainstitutional politics (Interview O384-1a at 205-11).

The Inventors returned to this theme repeatedly, positioning Inventors and a strong patent system as America's most vital resources, put at risk by H.R. 9. Mr. Landreneau, for example, said that the patent system "is a key part of America and has made us what we are, and this bill would destroy it." Mr. Tuttle invoked Jefferson's and Lincoln's support for patents before observing that the patent system was "in our DNA—it's in our veins." Mr. Pelkus was characteristically emphatic in his summation:

Please stop this bill. Small innovators need to be given all the help they can get, not the hindrances, barriers, fears, and worries that they're now being faced. Our patent system was a cornerstone of what made this country great. If we dissolve that, there goes our country. It is that powerful, it is that strong. Innovation made this country a leader in the world. Why should we change the best system in the world just to dummy it down to what the rest of the world does, which doesn't work and nobody likes.

He did not have a microphone, but Mr. Pelkus did drop his pen demonstratively as he finished his remarks.

4.3.1.2 The Cultural Threat of the Innovation Act

The Innovation Act was not merely a political and economic issue; it also represented a cultural threat to Independent Inventors that distinguishes the threat of the Innovation Act from earlier patent reform efforts. The Inventors and allies who gathered at the Capitol in April 2015 were worried about Independent Inventors being conflated with the "patent trolls" that were the targets of H.R. 9. As Louis Foreman put it:

We really hope that you understand that this bill does not take into concern the independent inventor. We are the collateral damage. We are the unintended consequences of big businesses who are trying to lower their cost of doing business at all expense to the independent inventors.

Note the villainization of "big businesses," who the speakers pitched as the promoters of the bill. Mr. Lauder was direct about the flawed moral logic he saw in the bill's over-inclusiveness. He said that it was "unethical" for the big companies pushing the Innovation Act to do so because the cost of "patent troll" litigation was marginal for those firms while the impact on American innovation generally and Independent Inventors specifically was going to be devastating.

"Patent trolls" were portrayed as companies that used questionable patents or made questionable claims based on patents to extort genuinely innovative companies for nuisance-value settlements. Although rarely defined with precision, the term spread through courts, Congress, and the American media after it was coined by lawyers for Intel. Worries about "patent trolls" fueled concerns about patent over-enforcement—making patents too easy to obtain and enforce (Khan 2013). Those worries were partial justifications for the AIA. But they were central to the Innovation Act.

Figure 4.3.1.2.1 below depicts the number of times the phrases “patent troll” and “independent inventor” were used in Congress from 1980 through 2016. Use of the term “patent troll” in Congress rises sharply after the passage of the America Invents Act—during the pendency of the Innovation Act. Moreover, there is a crossover point in 2012 at which “patent troll” became more common in Congress than “independent inventor”—illustrating the effacement of Independent Inventors and their interests in the debate over this legislation.

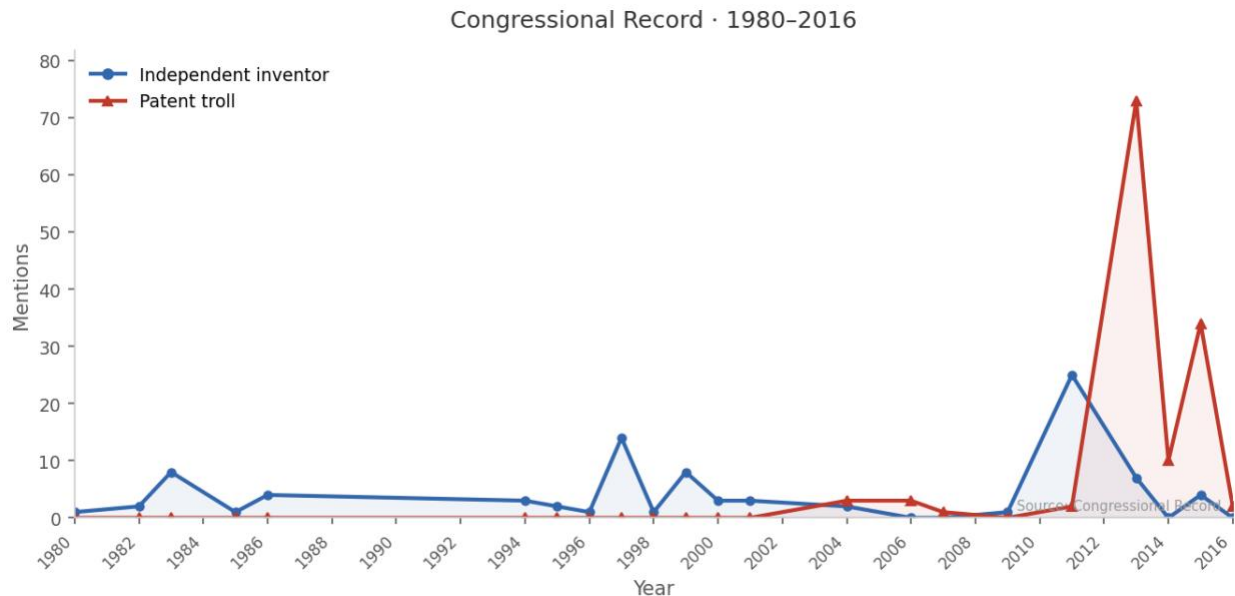


Figure 4.3.1.2.1 Use of “independent inventor” and “patent troll” in the Congressional Record, 1980–2016. Figure by author

As depicted in Figure 4.3.1.2.2, a similar if more erratic pattern holds in judicial records. Using data from the Caselaw Access Project, the term “patent troll” spiked above “independent inventor” in 2005 before crossing over for good in 2009. The divergence became pronounced in 2013 before spiking around 2015—the time when the Innovation Act was pending. Yet despite its popular usage, “patent troll” is considered so disparaging a term that it came to be routinely forbidden in patent infringement trials by agreement of the parties and court order (witness the falloff after 2015).⁴¹

⁴¹ See, e.g., *Finjan, Inc. v. Blue Coat Sys.*, No. 13-cv-03999-BLF, 2015 BL 218615, 2015 U.S. Dist. LEXIS 88760, 2015 WL 4129193 (N.D. Cal. July 8, 2015); *Wis. Alumni Res. Found. v. Apple, Inc.*, No. 14-cv-062-wmc, 2015 BL 313879, 2015 U.S. Dist. LEXIS 129931 (W.D. Wis. Sep. 28, 2015); *Intell. Ventures I LLC v. T-Mobile USA, Inc.*, No. 2:17-cv-00577-JRG, 2019 BL 638921 (E.D. Tex. Jan. 8, 2019).

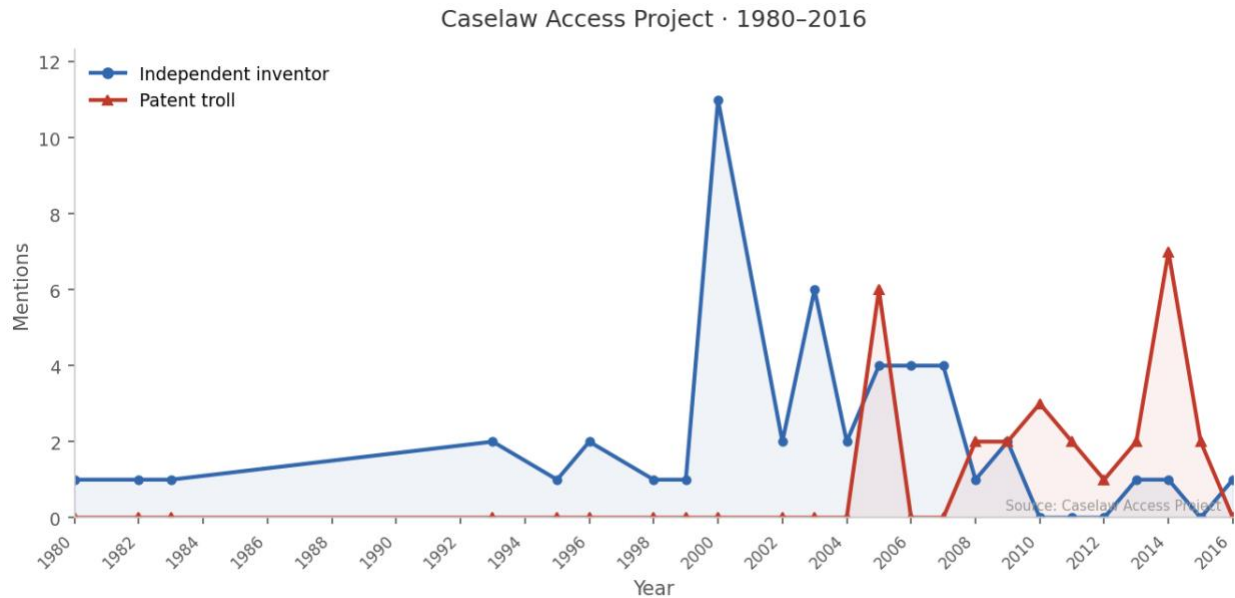


Figure 4.3.1.2.2 Use of "independent inventor" and "patent troll" in Caselaw Access Project data, 1980-2016. Figure by author

Figure 4.3.1.2.3 depicts a similar pattern for Google Books data, which reflects usage of terms in a gigantic collection of books and other documents that are more accessible to the public than the specialized legal corpora at BYU. Use of the two phrases tracks closely after usage of “patent troll” rises sharply around 2006 in the Google Books data. “Patent troll” usage spikes again in 2015—as the Inventor-Activists were starting to mobilize.

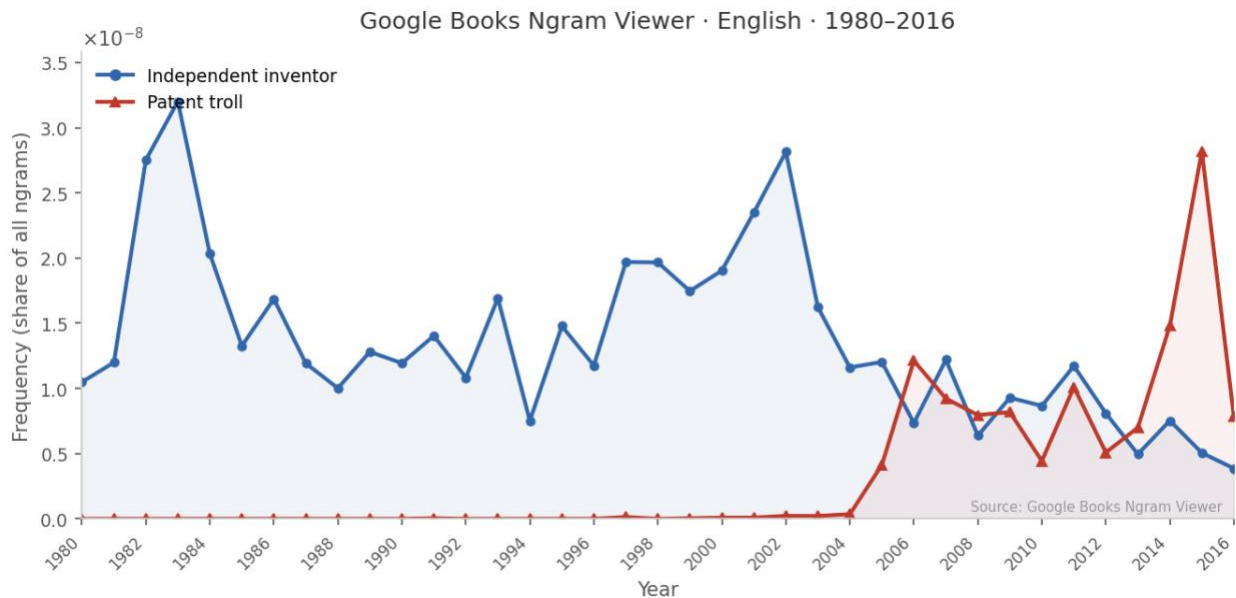


Figure 4.3.1.2.3 Use of "independent inventor" and "patent troll" in Google Books data (Google NGrams), 1980-2016. Figure by author

That the phrase “patent troll” registered so sharp a rise in this kind of generalist corpus, especially relative to “independent inventor,” indicates the extent to which this debate was a cultural threat to Independent Inventors. Instead of a just reward for heroic innovators, the patent system was being cast as a playground for the worst elements of society and that narrative was getting traction.

For example, an episode of *This Week Tonight with John Oliver*, a comedic HBO news program, advocated for the Innovation Act, including its fee-shifting and veil-piercing provisions, to combat “patent trolls” on April 19, 2015—shortly after the Inventor-Activists’ made their first trip to Washington (LastWeekTonight 2015). During the show, Oliver described patents as “basically legally binding ‘dibs’” that were “essential” to business. He described the patent system as “increasingly prone to abuse” by patent trolls. “Patent trolls” were defined as companies that don’t make or sell anything but instead “extort” money from more legitimate companies using the threat of specious, even frivolous, patent infringement lawsuits. Oliver worried that “trolls” was too kind a label for these firms. He quipped that unlike these companies, “at least trolls actually do something” by regulating bridge access and asking riddles. “Patent trolls,” on the other hand, were purely negative for the country. As he put it about a company that filed a lawsuit against a services provider for disabled persons based on their use of patented photocopier technology, “you’re not just on the road to Hell—you have your own parking spot right next to the fucking Devil.” This episode of a popular show gained traction in popular culture. And although Oliver blamed trial lawyers for sinking the Innovation Act in the previous Congress, Independent Inventors felt the hit. One Key Informant specifically lamented this episode, saying that he had repeatedly encountered young people who were disparaging of Inventors based specifically on what they learned from John Oliver on this show (Interview O382-1 at 76-78, 476). The image of Independent Inventors as heroes worthy of esteem and strong patents as their just reward was under serious attack.

The appearance of the term “patent troll” in a popular TV show during the debate over the Innovation Act corroborates the other data and vividly illustrates the cultural threat facing Independent Inventors. Although the term had been coined around the year 2000, and it was cited in the runup to the America Invents Act, it became significantly more common after the AIA was passed, eclipsing discussion of Independent Inventors in Congress, the courts and the public. Efforts to combat patent trolls came at the expense of Independent Inventors’ ability to cash in their social status for political solicitude, devaluing their cultural and political power with economic implications. Independent Inventors who enforced but did not manufacture and sell products or otherwise practice their patents or who do so on a very small scale were sometimes disparaged as patent trolls. More frequently, those Independent Inventors’ successors—patent licensees or assignees who choose to enforce the patent—were disparaged as NPEs, Patent Assertion Entities (“PAEs”), or patent trolls, which implicated the value of patents on the secondary market. This threat was widely perceived if rarely quantified, and the Inventor-Activists credited it for their mobilization.

4.3.1.3 Inventor-Activists Protest the Innovation Act Threat

Qualitative data from my interviews with Inventor-Activists confirms the importance of the Innovation Act threat in their mobilization. As McVeigh found of other conservative, privileged

movements, Inventor-Activist protest occurred when Independent Inventors faced threats across multiple domains of power. For Inventors, the political, economic, and cultural threat represented by the Innovation Act was sufficient to motivate them to begin acting collectively. As McVeigh predicted, the weakness of the Inventors' position within political institutions would lead that collective action to be significantly extra-institutional. The Inventor-Activists' early mobilization in opposition to the Innovation Act would eventually morph into U.S. Inventor's first protest campaign targeting Rep. Issa as one of the bill's proponents.

The Inventor-Activists targeted Rep. Issa in the fall for their first protests—with allies and at least a nominal organization (U.S. Inventor). Paul Morinville of U.S. Inventor joined Adrian Pelkus and the San Diego Inventors Forum ("SDIF") for the first protests in the Inventor-Activists' incipient movement, targeting Rep. Issa in his home district of San Diego. Mr. Pelkus was clear that his newfound activism was motivated by the ongoing threat to Independent Inventors (and the nation) from patent reform, a threat which had political, economic, and cultural dimensions:

At every [SDIF] group meeting we talk about what has happened to patent laws, how that threatens innovation in America and negatively impacts the individual inventor's life. We are hearing about more cases of inventors losing their incomes and businesses because their issued patents were challenged, which is a direct result of the new patent laws. So to those who think the new laws only impact so-called patent trolls, I can attest to the fact that is simply not true. The new laws have a real and frightening impact on individual inventors who are losing their livelihood. (Pelkus 2016)

Law was the driver of Mr. Pelkus's activism, but not because of it had changed in his favor or signaled an opportunity. He explained how Independent Inventors came together to describe the threats to their economic power—"inventors losing their incomes and businesses" as a result of patent reforms targeting "patent trolls." The fear of those reforms motivated Mr. Pelkus and like-minded Independent Inventors to hit the streets.

At the protests in San Diego, the Inventor-Activists' opposition to the threat of the Innovation Act they saw embodied in Rep. Issa was their primary message. Their goal was to resist him and the threat to Independent Inventors he represented so long as he was in power.⁴² The Inventor-Activists tried to broaden the threat in a manner reminiscent of the way Black civil rights activists utilized the Cold War, explaining how Issa's threat to Independent Inventors endangered both Inventors and the American society the Inventors' work benefits.

We weren't for the Democrat. We weren't for anyone. We were against him [Issa]. And so that ... makes it curious. People are like, "Why are you against him?" They'd come—the Republicans would come out after meeting him and they'd stop and talk to us. "What's going on?" And we were able to educate his people on what's going on with

⁴² Inventors would protest Rep. Issa again in 2023, chanting, "We are American inventors, and we say 'NO' to Issa for IP chair!" in opposition to his re-nomination to head the House Judiciary Committee's subcommittee with jurisdiction over patents (Field Notes). This "rifle-shot" protest was similarly targeted at the person Inventor-Activists had identified as a threat.

patents. So that part of California is a startup haven mostly for med tech kind of stuff but Qualcomm is there, there's a lot of tech down there ... but that all requires patents. So he wiped out the patent system. That got him down. I went after him ... mostly through social media ... I was going after him on property right-related stuff. You know ... *Kelo* [v. *City of New London*, 545 U.S. 469 (2005),] was ... seminal in ... the Tea Party movement. It's one of the things that drove the Tea Party movement and through all the conservatives. But I figured they know about that. And then startups: how do you fund them without patents? And I started explaining in LinkedIn and ... Facebook posts what was going on. And then we just paraded around with signs and paraded all through his district ... in my pickup with my camper all wrapped in signs and stuff and you know anything we could do to be disruptive. Democrats started helping us. We spoke at a Democrat rally. (Interview O384-1a at 217-219).

The election in 2016 afforded the Inventor-Activists an occasion for mobilization: the opportunity to eliminate the threat they saw personified in Rep. Issa. The Inventor-Activists' purely oppositional stance against this threat—"We weren't for anyone. We were against him."—was of tactical value, raising the profile and perhaps persuasiveness of their challenge because it did not include a plea for anything but Rep. Issa's demise.

The Inventor-Activist's invocation of *Kelo* in the passage above is telling about the importance of threat to the Inventor-Activists' mobilization. Tea Party members generally viewed *Kelo* as a profound and looming threat to the property rights of Americans, as it allowed the government to use its eminent domain power to transfer real property from citizens to private firms for redevelopment projects deemed in the public interest. The Inventor-Activists viewed the recent patent reforms as similarly leaving open the door to theft of their intellectual property rights by corporate firms.

Threat, rather than opportunity, drove the Inventor-Activists' first efforts at collective action and their first protest campaign. It was the multifaceted threat of the Innovation Act, not some emergent opportunity or opening of the POS, that triggered the organized Inventor-Activists' mobilization, protest, and organization. I address some of the possible alternative explanations below.

4.3.2 Organizational Standing Is a Prerequisite for Institutional Access

If threat is to play much role in explaining the emergence of the Inventor movement, we must first confront a problem: Why did Inventor-Activists not collectively mobilize against earlier threats, such as the reforms by which they have been aggrieved (restricting injunctive relief, restricting patentable subject matter, and creation of the PTAB), when those threats were pending, between 2006 and 2012? Why did the Inventor-Activists only mobilize in about 2015 after reforms were already enacted? The answer, in part, is simple: there was no Independent Inventor Organization that would engage in extra-institutional collective action before 2015.

Inventors did not engage in contentious politics when any of the reforms by which they are aggrieved were enacted. The most resistance to those reforms that I have been able to identify is

an amicus brief in the *eBay* case that the United Inventors Association filed in 2006.⁴³ That brief extolled the value of Independent Inventors for the U.S. economy and the importance of patent licensing to commercializing their inventions. It told a David-and-Goliath story about the structural weakness of Independent Inventors relative to corporate firms. But it was unaccompanied by any contentious politics or extra-institutional mobilization like the protests of 2016. I have been able to find no collective resistance, including even routine interventions like *amicus* briefs, on Independent Inventors' behalf in the Supreme Court cases narrowing subject matter eligibility. Nor have I been able to find collective resistance from the Independent Inventor community to the adoption of the PTAB in the America Invents Act. In fact, Louis Foreman spoke in favor of the AIA on behalf of the Obama Administration.⁴⁴ At the time of reforms that led to their grievances, Independent Inventors were collectively uninvolved in meaningful resistance.

Key Informants agreed that the absence of an Inventor advocacy organization before U.S. Inventor was founded in 2015 is a big reason there was no organized resistance by Inventors to the reforms that underlie their grievances (Interview O384-1a at 175; Interview O384-2 at 10; Interview O223-1 at 118). As Mr. Tuttle put it in his book, "big tech companies and their lobbyists . . . recognize the inventor community is under-funded, unorganized, naïve, and, as a collective interest group, highly dysfunctional" (Tuttle and Mangus 2021, 18). Before 2015, the only national Independent Inventor Organization with a significant presence was the UIA, of which Mr. Tuttle had been president. But as explained in detail in Chapter 6, the UIA was and is politically inhibited by connections to the PTO, under-resourced, and therefore unable to unite the Independent Inventor community.

Prior to the creation of an advocacy organization in U.S. Inventor, many Inventor-Activists believed—incorrectly—that the American political structure was inherently open to them as individual American citizens. Perhaps not surprising for people whose identity is associated with heroic values like individualism and techno-nationalism (see previous chapter), several Inventor-Activists in my sample made direct but unavailing claims on American government officials before coming to an inventor organization to do so collectively. U.S. Inventor was founded after Paul Morinville "hopped in [his] truck and drove to Washington" expecting incorrectly to be able to meet with legislators including those not from his home district or state, and to get them to fix what he believed they had done to American Independent Inventors like him (Morinville Interview at 29). Another Inventor-Activist wrote letters to all the congresspeople they could identify before seeking help of a local Inventors' club and then a national organization (Interview O384-3a at 18). Another did similarly, viewing their pre-activism, individual letter-writing campaign in expressly constitutional terms as "petitioning the government for grievances" (Interview O384-5 at 80). This belief in direct civic access and participation as a descriptive and

⁴³ Available at <https://patentlaw.typepad.com/eBay/MercUnitedInvent.pdf>.

⁴⁴ See <https://www.youtube.com/watch?v=QJVRqpHRWZs>; <https://obamawhitehouse.archives.gov/blog/2011/09/23/entrepreneurs-applaud-america-invents-act-say-it-will-create-more-jobs>.

normative matter is not uncommon in the United States, especially but not exclusively among conservatives.⁴⁵

The individually aggrieved Inventors learned, however, that it is organizations that have standing in national American institutions. In Congress, which makes patent law, an individual's influence and access is largely restricted to one's own legislators. Organizational representatives, on the other hand, can schedule meetings with a much wider range of policymakers. That is why Paul Morinville fabricated U.S. Inventor after his initial efforts to lobby personally were rebuffed: Even a then-fake organization had standing that an individual Inventor lacked, because legislators would meet with organizations from anywhere but individuals only from their home jurisdictions (see Chapter 6). To become a legitimate actor in patent policymaking, capable of acting upon emergent opportunities in Congress, Independent Inventors had to organize.

Independent Inventors required an organization to gain standing in patent policy debates and coordinate a movement campaign. One respondent encouraged the Inventor-Activists to establish a permanent location in Washington, DC “to keep *them* from clawing . . . whatever . . . *we*’re able to gain back” because “if *we* win this fight, this particular part of this fight, there’s a next step” (Interview O384-3a at 134) (emphasis added). Another used this focus on the enemy to liken Inventor-Activists to the American colonial militia: “How did the colonists organize their militias? . . . It was very *ad hoc*. It was very independent. But they knew to shoot the guys in the red coats” (Interview O384-5 at 50). Echoing models that emphasize the role of counter-parties in shaping political opportunity, including both structuralist PPT models focused on counter-parties (e.g., D. S. Meyer and Staggenborg 1996) and more recent strategic interactionist models (Duyvendak and Jasper 2015; J. Jasper and King 2020), these Inventor-Activists reveal a focus on their ongoing interaction with their opponents.

U.S. Inventor has grown from a figment of Paul Morinville’s imagination to an active membership organization that has thousands of members on its mailing list, although the extent of its standing remains contested.⁴⁶ Its “mythical” origin story begins with Inventor-Activists’ resistance to the looming threat of the Innovation Act in 2015, from Mr. Morinville’s personal encounter with Rep. Issa in a Capitol Hill elevator to a protest campaign in San Diego. In other words, the organizational innovation required of the Inventor-Activists to build the prerequisites for a Social Movement campaign was itself motivated by the Innovation Act threat.

⁴⁵ The Inventor-Activists’ expectation that they would and should be able to directly access government officials has echoes in the “active citizenship” of Braunstein (2017), which included left and right components. Individualistic notions of citizenship are especially central to conservative groups, as evident in studies of the Tea Party (Skocpol and Williamson 2016), the “ascriptive republicanism” of the National Rifle Association (Filindra 2023), and the “armed individualism” of gun sellers (Carlson 2023).

⁴⁶ U.S. Inventor lost, for lack of standing, its most recent suit seeking to force the PTO to inform Inventors on the cover of issued patents that their right to exclude is not absolute, but it has appealed. See *U.S. Inventor, Inc. v. Squires*, No. 24-02378 (Fed. Cir.).

4.3.3 No Political Opportunity for Inventor-Activists Explains the Timing of Their Mobilization

No opportunity presented itself in or around 2015 and 2016 that can provide an alternative explanation for the inventors' collective mobilization. As McAdam noted, the list of possible events that might constitute a political opportunity is impossibly long, “*any* broad social change process that significantly undermines the calculations and assumptions” that underlie the POS is likely to generate political opportunity, including without limitation “wars, industrialization, international political realignments or concerted political pressure from international actors, economic crisis, and widespread demographic shifts” (McAdam 1982, ix). This section disposes of the relevant from among these various alternatives, thereby supporting my interpretation that threat was what drove the emergence of the Inventor movement.

4.3.3.1 No Material Elite Realignment

One possible type of political opportunity especially likely to constitute an opening for an instrumental movement like the Inventors is an elite realignment, such as the victory of political allies. Given the Inventor-Activists' apparent conservative politics and the rising tide of movement politics within the Republican Party more generally, my initial hypothesis was that the emergence of the Inventors' movement was a function of the rising tide and eventual victory of conservative political forces in the 2016 elections.

Yet this early hypothesis that the incoming Trump Administration was interpreted as an opportunity by the Inventor-Activists turned out not to hold water for several reasons. First, although the early protests featured Trumpian language as might suggest the Inventor-Activists saw Trump as a potential ally, there was little *ex ante* information to suggest what Trump's patent policies would be. *Trumponomics*, by Trump economic advisors Stephen Moore and Arthur Laffer, was virtually silent on intellectual property, for example (2018).⁴⁷

Second, to the extent early protests included slogans derived from the presidential election, such as “Make America Great Again With Strong Patents,”⁴⁸ multiple participants asserted they reflected only the *discursive* opportunity structure of the time and not their alignment with the Trump campaign or the movement wing of the Republican party (*e.g.*, Interview O210-1 at 176-79). As one put it, “that was pandering to Trump” in the hopes of winning favor in the new administration (Interview O384-1a at 255).

⁴⁷ There is little clarity on the Trump Administration's patent policy even in its second term. Project 2025 was largely silent on patent reform. HHS Nominee Robert F. Kennedy, Jr. indicated that the United States may exercise its “march-in” rights on patented drugs (Cai and Cancryn 2025) before stating that it would not do so (Zhang 2025). Former First Buddy Elon Musk is at least patent-skeptical (Vega 2022). And the early hiring and budget freezes partially implemented in early 2025 are increasing the already significant prosecution backlog at the PTO (McDermott 2025).

⁴⁸ <https://ipwatchdog.com/2016/11/04/inventors-protest-congressman-darrell-issa/id=74456/>

Third, although some signs reflected Trump’s campaign rhetoric, the Inventor-Activists presented a decidedly bipartisan message by challenging Republican Rep. Issa: “property rights” for the conservatives and community economic development for Democrats.

Fourth, the Inventor-Activists quickly turned on President Trump, suggesting that any perception that his administration represented a real opportunity was relatively fleeting or transactional. The Inventor-Activists blasted Pres. Trump at their patent-burning in 2017 for continuing policies at the PTO that they argued originated in the Biden Administration while the PTO was under the stewardship of Director Michelle Lee, a former Google attorney.

Nor could the 2016 election cycle evidence a material gain by the Inventors’ legislative allies. The Freedom Caucus, which included the Inventor-Activists’ most prominent ally in Rep. Massie, held onto most of its seats and occupied a greater share of Republican seats as their House majority narrowed. But they were still a small minority in Congress and proved unable to advance Inventor-Activist goals.

The Tea Party offers a more complicated case. The Tea Party Patriots has been a strong ally of U.S. Inventor, sponsoring propagandistic pro-patent films like *Invalidated* and *Innovation Race* that have been highly effective recruiting and advocacy tools for the Inventor-Activists. But the national influence of the Tea Party had waned by 2016 (Rafail and McCarthy 2023). It had pushed the Republican Party rightward, a lasting effect, but the Tea Party had splintered and it was not at all clear that connection with the Tea Party Patriots (the largest Tea Party group) signaled any newfound influence in Congress for U.S. Inventor.

4.3.3.2 No Change in Repression Context

The repression context in which a movement operates—whether movements are routinely squelched by the state or other actors—has been one aspect of the POS that affects collective action. Withdrawal of repressive controls, for example, might facilitate movement emergence especially in a closed state. But protest is generally allowed by authorities in the United States, at least relative to other countries. This is especially true for majoritarian groups. Mobilization of Conservative Movements and right-wing groups—even while armed—is often tolerated. I have seen no evidence that the Inventor-Activists ever perceived themselves to be subject to meaningful repression in their interactions with authorities. If anything, they may invite such confrontations as a way of dramatizing their cause.

As a majoritarian group, Inventor-Activists have been able to negotiate their activities with potentially repressive agents such as police with little difficulty. I observed various security forces monitoring U.S. Inventor actions on multiple occasions, but I never witnessed any interference. Although police were on hand at the AIA protest in San Jose, for example, they were more focused on the nearby COVID-related event than they were the protesting Inventor-Activists. At the Detroit event on the AIA decennial, a participant confirmed there was no police presence at all (Interview O178-2 at 366-374). I saw no police interference, despite a police presence, at the event I attended in Phoenix and the events I attended in Washington.

To the extent Inventor-Activists have engaged with police, they have formally and informally been able to negotiate accommodations for their collective action. In an instance of literal negotiation, an Inventor-Activist recounted a tale of some Inventors' interaction with police while attempting to film videos for social media in front of the U.S. Capitol. After being told by an officer that they needed to stop filming and disperse, an Inventor-Activist leader intervened and secured permission for the activists to continue their filming. My interview subject explained that they gained respect for their leader in light of his willingness to stand up to the threatening "bullying" from Capitol Police (Interview O384-3a, Pos. 62-68).

Such "bullying" is not a serious threat to the Inventor-Activists, however. In advance of the 2017 patent burning at the PTO, they sought a permit to conduct their protest but were initially denied (Interview O384-1a at Pos. 289). In a subsequent call with the Department of Homeland Security, an Inventor-Activist indicated that the protest would go forward with or without a permit. He explained that the Inventor-Activists were being "polite" by seeking a permit because if "you can burn a flag, you can burn a patent. It's public property. I can go do it. I don't need a permit" (Interview O-384-1 at Pos. 291). The Inventor-Activist even invited the security services to rough him up if they were going to try to prevent the protest from occurring. He told them, "At least have the cops throw me on the ground as you're arresting me, because a little blood on my face is better for the cameras" (Interview O384-1a at Pos. 293). The Inventor-Activists were given a permit the next day. If anything, the threat of repression was an inducement to act.

Ironically, although the Inventor-Activists employed tactics like protest to gain attention and disrupt the ordinary patent policymaking process in the United States without fear of state repression, they internally managed the tone of their protests to avoid being too disruptive or disrespectful. At the PTAB Stadium Tour event I attended in Phoenix, for example, the Inventor-Activists kept their numbers low—to under ten—so as not "to cause a commotion" that would turn people off at a relatively small event (Interview O384-3a, Pos. 62-68). At their protests in Washington, I witnessed Inventor-Activists actively remind people demonstrating to remain polite when outside the Capitol and to remain quiet, orderly, and polite when they were attending proceedings inside the Capitol (Field Notes). One inventor explained that the need not fear repression because Inventors used "peaceful protest," which they contrasted the violence of some Movement for Black Lives protests (and compared favorably with the then-recently pardoned January 6 participants) (Interview O223-1b).

4.3.3.3 No Change of Institutional Access

The Inventor-Activists have not wanted for opportunities to advocate for American Independent Inventors. Although the premise of PPT was that political opportunity is rare—its appearance, therefore, having explanatory power for movement emergence or tactical innovation—that has not been the experience of American Independent Inventors. Inventor-Activists have used routine institutional events in each of the America's three branches of government as occasions for mobilization.

Those openings were available previously. PTO maintained Independent Inventor page for years. UIA has been present since 1990, was able to file amicus in *eBay*. PIA encouraged letter-writing and reached out to the media before fading around 2005. Independent Inventors testified before

Congress about patent reform. There was nothing about the institutional configuration that suggested they gained new access other than the formation of an advocacy organization in U.S. Inventor.

4.3.3.4 No Material Change in Control of Means of Production—Yet

Another sort of political opportunity thought to possibly promote mobilization is a change in control over the means of production—McAdam enumerates “industrialization” and “economic crisis” as examples (McAdam 1999). Yet there has been no let-up in Big Tech’s consolidation of power within the knowledge economy.

Some respondents did see some potential for disruption in new manufacturing tools like 3-D printing. Many inventor group meetings that I observed included detailed descriptions or tutorials of such tools (Field Notes). In an interview, a non-mobilized inventor explained how he was excited about technologies like computer-assisted drafting, 3-D printing, and the network technologies that allow innovative product designs to be shared instantly with anyone. As he put it, “everybody’s got a freaking prototype factory in their basement now” (Interview O178-1 at 454). He believed such technologies would allow more people to do what he did: leave his corporate job and go to work for himself, selling products that embody his inventions (Interview O178-1 at 438-54). Similarly, a mobilized Inventor and Key Informant agreed that these new technological affordances represented a profound opportunity for individuals to take greater control over the means of production.

Where I'm optimistic is it won't be this generation hopefully in the next generation or so will hear these rumors about things that were called freedom and your rights to your own idea and ... so on ... I'm actually very optimistic about things with ... the speed at which ... you can so quickly now launch and ... create an idea that's very encouraging to certain inventors that can you know have ... ideas of that intricate in nature that can take advantage of those new tools and things so that'll be fun to watch and that'll be an explosion of new cool things. (Interview O384-2, Pos. 68)

Yet the opportunity for individuals to seize greater control over technological means of production was not a collective action trigger. Both mobilized and non-mobilized Inventors appreciated that opportunity; it did not excite Inventors to action or figure into the collective action frame of the Inventor-Activists.

Nor did the advent of this technology coincide with the movement’s emergence in 2015-16. Even today, 3-D printing remains a niche pastime with which many of the Inventors I observed are uncomfortable.

4.3.3.5 No Material Change in Geopolitics

The ongoing challenges in the geopolitical relationship between the United States in China was undoubtedly an opportunity for U.S. Inventor. Worsening U.S.-Sino tensions and the dawn of a new U.S.-Chinese “Cold War” afforded Inventor-Activists the same sort of international

leverage point civil rights activists exploited during the mid-twentieth century. In the meetings with legislators I observed, for example, Inventor-Activists frequently implored staff to strengthen American Inventors so that the U.S. would be able to out-compete China.

The national security threat from China, reinforced in contemporaneous events like Chinese spy balloons traversing the United States, was interpreted as a threatening shift in the POS that enabled mobilization for the Inventor-Activists. They hoped to capitalize on the attention to the issue both publicly and among elites in Congress worried about a rising China, where a China Select Committee was formed (Interview O384-3b at 52; Interview O384-4 at 116). The clearest example of this phenomenon I observed was the film *Innovation Race*, which featured U.S. Inventor members and allies and was screened to congressional staff at a Capitol Hill event I attended. Produced in part by the Tea Party Patriots, the film focused on China's growing strength in advanced technologies such as quantum computing, artificial intelligence, and space exploration and posited a future of Chinese global domination. It faulted the patent reforms that have aggrieved the Inventor-Activists, including especially the restriction of patentable subject matter, for inhibiting American innovation in these frontier technologies and thereby giving China the advantage in developing them. The Inventor-Activists hoped that emphasizing this threat to the nation would bring greater attention to their plight not just with respect to subject-matter eligibility, but generally. They hoped to connect threats to Inventors with threats to the nation, via patent reforms they viewed as adverse to their interests.

But while there is evidence that the Chinese threat garnered enough elite attention in Washington to make it a valuable political angle for inventors to exploit, it cannot explain the timing of the Inventor movement's emergence. China Select Committees have existed in Congress since 1998. And today's concerns about China's intellectual property "theft" echo concerns about Japanese piracy and IP that extended into the early 2000s. China, or another copyist, has long been a possible point of leverage. Chinese relations cannot explain the timing of the Inventor-Activists' protests.

4.4 Conclusion

What drove the Inventor-Activists' mobilization? Why did they mobilize when they did? My research suggests the threat of the pending Innovation Act was what motivated Inventor-Activists to shed their lab coats for suit jackets and their soldering irons for protest signs.

The Innovation Act was a concrete threat to the Independent Inventors who became Inventor-Activists. It was imminent in that it was extremely close to passing Congress with Obama Administration support. It was specific in that some of its provisions likely would affect Independent Inventors adversely or at least could be framed effectively as such. And the threat was significant. It signaled the Independent Inventors' social status and political clout were waning—being displaced by the “patent troll” narrative—and their economic health was on the line. They'd lose the “grease under the skids” of Independent Inventors' innovations if the fee-shifting and veil-piercing provisions were implemented to put their investors at risk.

Political opportunity in the sense of expanding fortunes for strategic success had little to do with the emergence of the inventor movement. Opportunity for political engagement in the United

States, where there are lots of structural access points for groups that have the resources and know-how to access them, is abundant even in the relatively cloistered patent arena. And I have been able to identify no specific political opportunities available to inventor-activists in 2015.

I cannot fully disentangle the role of organization from the role of threat in the Inventor-Activists' mobilization. Certainly U.S. Inventor and the San Diego Inventors Forum figured prominently in the start of their protest campaign and the emergence of the movement. But forming U.S. Inventor to coordinate a confrontational, extra-institutional protest campaign was itself an adaptation in response to the threat of the Innovation Act. Its co-founders did something no other Independent Inventors had done, to assert a new form of contentious politics over patent policy in the United States.

In any case, this chapter presents a very different model of IP policymaking than the conventional technocratic story told by IP scholars, which is based on sectoral negotiation and accommodation. Inventor-Activists have mobilized within and outside of formal institutions, making deontological justice claims and utilitarian claims that equate their interests with the American national interest. Patent reforms continue to work through Congress. Knowing how the patent arena is developing therefore is important. That includes understanding the Inventor-Activists' ongoing mobilization, given the outsized role for Inventors as core to the legitimating logic of the patent system.

Chapter 5

Inventing Activists: How Some Independent Inventors Become Inventor-Activists

Us inventors ... are normally very reserved, you know. We're not normally very charismatic, outgoing people. We like working on a bench and making things work. Well, if it's come down to the point now where we have to come here to Washington to process and make our pleas be heard – if we want to get our country back on its feet in these regards we have to change our patent laws. (Pelkus 2018)

Social movement scholars call the process by which individuals become activists “micromobilization” (e.g., D. A. Snow et al. 1986). In this chapter, I ask what the micromobilization process has been in the American Independent Inventor movement. What made some Independent Inventors put on a suit coat and head to Washington? Why have some, but not all, Independent Inventors mobilized since 2016 to seek changes to the way the U.S. patent system protects their inventions?

Using observation of Independent Inventor Organization meetings and interviews with Independent Inventors—Inventor-Activists and non-activists—I describe the complicated set of factors that affect whether an Independent Inventor becomes an Inventor-Activist. Reflecting the precarity of the transition to becoming an activist, I find the following factors to be significant in

encouraging mobilization: the extent of investment in inventing, the importance placed on patents, having suffered some patent-related injurious experience, biographical availability, and contact with the Inventor-Activist network. With so many considerations, no wonder micro-mobilization of Inventor-Activists is so rare.

This chapter proceeds in three parts. In the Background section, I situate the chapter in existing work on Independent Inventors and Social Movement recruitment. I then outline the methods and data I employ to explore differences between non-activist Independent Inventors and Inventor-Activists, before turning to my findings.

5.1 Background

5.1.1 Who Becomes an Activist?

Why bother with activism—or more precisely, why some people bother with activism and others don’t—is a key question that social movements scholars have researched extensively (e.g., Aytac and Stokes 2019). Often called “differential recruitment,” it refers to the study of variation between potential movement participants and those who are recruited into activism.

Early social movement research dwelt on the question of why someone would join a movement. The burden of being an early actor on behalf of a group, before the remainder of the group has been mobilized, can be significant (McAdam 1986). And once a movement is already underway, the existence and success of the movement can incentivize free riding (Olson 1971), although reaching “critical mass” for collective action is much more likely than some skeptics have predicted (Marwell et al. 1988; P. Oliver et al. 1985; P. E. Oliver and Marwell 1988).

Nevertheless, much research focused on “selective incentives,” or the reasons that some people in a given population would be motivated to engage in activism while similar others wouldn’t. These might be rational reasons like divergent economic self-interest or different depths of emotional commitment to a cause (J. M. Jasper 1999, 2014; Klandermans 1984). In a generally rationalist model, social movement involvement requires some sort of reason to participate in the collective action not present for others. You need a big enough stake in the game to be willing to risk the time and effort for activism.

You also need to believe that collective action is important. Some micro-mobilization scholars refer to the bundle of ideas that connect individual identity to collective grievance to collective action as a “motivational frame” (D. Snow and Benford 1988). That is a species of Collective Action Frame that explains and encourages an individual’s participation in a movement. Threats to incumbent interests are the sort of concerns as can motivate action, especially while there is still an opportunity to prevent the threats from manifesting (Almeida 2018; McKane and McCammon 2018).

The general structure of such a belief has been termed “oppositional consciousness” (J. J. Mansbridge and Morris 2001). Oppositional consciousness entails, at a minimum, awareness of one’s membership in a disadvantaged group and the belief that the group can generate change by acting collectively—by making some sort of collective claim on society (A. Morris and Braine

2001). Both Political Process Theory with its idea of “cognitive liberation” (1999) and Power Deprivation Theory with its renewed attention to grievances (McVeigh 2009; McVeigh and Estep 2020) include a social-psychological step in movement mobilization whereby they come to attain such a mindset—an “oppositional consciousness.”

Cultivating an oppositional consciousness is a process that occurs over time, usually in particular spaces that are set aside for the group (A. Morris and Braine 2001). Churches were spaces like that in the Black civil rights movement (McAdam 1982; A. D. Morris 1986). In the immigrant rights mobilizations of the U.S. South, soccer leagues and ethnic business development associations have been the spaces where a taste for contention has been developed (Zepeda-Millán 2016).

Some recent social movement scholarship has helpfully elaborated the micromobilization process as a two-stage model, in which potential activists become (1) disposed toward activism (or not) and (2) converted to activists (or not) (Beyerlein & Hipp 2006). At least one social movement scholar has noted the similarity between the cognitive hurdles to consummating the process of becoming an activist and deciding to file a legal case based on a perceived injurious experience (Voss et al. 2019).

It’s worth developing this point. Law & Society scholars have developed a model of disputing that is similar, if more elaborate, to the two-stage process of micromobilization. According to this model, disputes only rarely emerge from events that could lead to a dispute. Theorists call such events “Injurious Experiences” (Felstiner et al. 1980). Some Injurious Experiences never become a dispute because they’re not perceived. Even Perceived Injurious Experiences don’t always lead to disputes. For a Perceived Injurious Experience to turn into a legal case, a party must identify it (“naming”), identify a wrong-doer responsible for it (“blaming”), and make a demand for redress (“claiming”) in a formal legal institution (adjudication) (C. R. Albiston et al. 2014; Felstiner et al. 1980). Faced with an uphill slog to uncertain benefit, many will choose to “lump it” and forego litigation in favor of a different path (including, perhaps, collective action) even where they are aggrieved. But people faced with Injurious Experiences also can be helped in this process by “Agents of Transformation,” or people who help them see their Injurious Experience as someone else’s fault and worthy of redress (Felstiner et al. 1980).

Lawyers have been important “Agents of Transformation” for many social groups, for better or worse. For example, attorneys worked to make sexual harassment into a legal category of speech and conduct that could be redressed by courts and lawmakers—and which could be mobilized by women and advocates to demand equality in the workplace (Marshall 2001, 2003).

Demonstrating the ambivalent role of law and its agents, in some places, like public sidewalks, offensive speech has been declared a legal freedom rather than an offense (Nielsen 2006). To some extent, this is structural. Law & Society scholars (and Critical Race Theorists, among others) have long observed that the individualized nature of litigation makes it difficult to aggregate legal issues into matters of collective concern (C. Albiston 2011; Bell 1976; Sarat and Scheingold 1998). Every case can be different, at least in theory, and is supposed to rise or fall on its own facts. So even assuming there is a systemic problem in litigation procedure, it is not clear that it will be perceived as such. Lawyers working within the law can help encourage oppositional consciousness or discourage it.

Oppositional consciousness, even if connected to an activist network, is not sufficient to lead to activism, however. Micromobilization also requires “biographical availability,” or the life resources like disposable income, free time, and an absence of caretaking commitments that enable one to engage in activism (Beyerlein and Hipp 2006; McAdam 1986). In short, potential activists need the practical ability to engage in activist work. Even among similarly motivated people, only those with the practical ability to engage in activism can become activists.

While conventionally the two steps might be perceived as forming a disposition or motivation for collective action—an oppositional consciousness—and then joining an activist group, recent research has suggested the opposite may be true. According to this work, “biographical availability” may precede motivation. Munson (2009) found that many anti-abortion activists did not have pre-existing beliefs on the subject but only developed them after they joined pro-life organizations—something they often did during or in response to unrelated adverse life events like a divorce. Some rupture in their life story caused by such an adverse event led them to try new things and possibly look for community. The rupture allowed for a change in their life’s direction, like becoming an anti-abortion crusader. This was true even if they previously had no strong feelings on the subject or were pro-choice. The solidary incentives of group membership fostered and reinforced the ideology that motivated collective action. Mobilization preceded motivation.

To summarize, reviewing the literature, Social Movement scholars have identified at least five factors that affect micro-mobilization: (1) selective incentives, (2) injurious experiences, (3) oppositional consciousness, (4) biographical availability, and (5) contact with an agent of transformation that can help someone perceive their injurious experiences as a matter of collective concern worth collective action.

5.1.2 Who Becomes an Independent Inventor?

Independent Inventors appear to be an unlikely group to engage in collective action or protest. Understanding why they mobilize requires understanding who becomes an Independent Inventor and how this relates to the factors that affect mobilization identified by Social Movement scholars.

Independent Inventors remain understudied among Inventors, in part because of the difficulty in contacting such reclusive characters. Although there has been some research on the unique economic and technological contributions made by Independent Inventors who Patent (Dahlin et al. 2004; Mokyr 1990; Schmookler 1957), and there is some research on who becomes an Inventor (e.g., Rossman 1931), very little research has been done on who becomes an Independent Inventor or what they think about the patent system.

The absence of systematic study of Independent Inventors and their patenting behavior is somewhat surprising in light not just of the outsized economic and technological contributions they have made to America, but because of Inventors’ continuing cultural cache. Inventing remains a high-status undertaking, even if that status is under threat as described in the previous

chapter (Hintz 2021a, 2021b; Thomas P. Hughes 2004). Hagiographies of independent inventors are still common hero tales, and they remain significant in our understanding of the relationship between law and inventing (Arapostathis and Gooday 2013; Beauchamp 2015; Fierstein 2015; Isaacson 2011). In short, we have abundant anecdotes about historically significant Independent Inventors such that one might expect a more systematic review of independent invention from the sociology of science or Science & Technology Studies.

In another way, however, the lack of systematic study of Independent Inventors, especially recently, is less surprising. The dominant narrative—the story of cultural, political, and economic threat to Independent Inventors in the previous chapter—is that Independent Inventors are being eclipsed or erased by organized research labs in universities and commercial mega-firms.

Peter Whalley is the rare social scientist exception who, in the early 1990s, studied Independent Inventors directly (1992b; 1991). He conducted surveys and interviews of members of Inventor organizations to map their field descriptively. As discussed below, my decision to use Independent Inventor Organizations as a sampling frame for interviews and observation is based in part on a desire to replicate, or at least reinterrogate, his findings about the people who join such groups. Theoretically, he was interested in the ways Independent Inventors' experiences revealed "the social embeddedness of the innovation process" (Peter Whalley 1991, 209). Although, as he noted, the difficulties of studying Independent Inventors made his sample non-generalizable, he found surprising things about the Independent Inventors in his sample. They tended to be middle class, short of time to invent, and in need of funds to support their inventing. Independent Inventors in his sample also were acutely aware of the two real choices they have for strategies to monetize their inventions described in Chapter 2: licensing or entrepreneurship. And they were incredibly ambivalent about patents, with many saying they had no patents and had no plans of pursuing patenting their inventions. If participants in Independent Inventor Organizations don't care much about patents, why would they engage in activism about patent policy?

This chapter asks who becomes an Inventor-Activist. What separates Independent Inventors who become Inventor-Activists from those who do not?

5.2 Methods and Data

I primarily employ two methods in this chapter, further explained in the Methodological Appendix. The first method is participant observation. I attended and observed multiple meetings of three local and one national Independent Inventor Organizations, as well as reviewing meetings of multiple other organizations online. That allowed me to observe Independent Inventors directly discussing (or not) their struggles as Inventors and their engagement as Inventor-Activists.

The second method I employ in this chapter is semi-structured interviews. At the four organizations I observed as well as two others that don't conduct regular meetings, I spoke with Key Informants like the leaders that were identified on the group's website and rank-and-file members I met at meetings. Over about an hour, sixteen participants in these groups shared their stories about becoming an Independent Inventor and joining an Independent Inventor

Organization. My interview sample was evenly divided between Inventor-Activists who had participated in protest and non-mobilized members of Independent Inventor Organizations who had not.

The analysis in this chapter compares mobilized Inventor-Activists with non-mobilized Independent Inventors. My original theory was that local Independent Inventor Organization membership and culture was a mediating variable between Independent Inventors and Inventor-Activists. What I discovered was differential recruitment to Inventor-Activism even within local Independent Inventor Organizations, which is why I tentatively explore the differences between mobilized and non-mobilized Independent Inventors in this chapter.

I say “tentatively explore” because studying the differences between individual Inventor-Activists and non-mobilized Independent Inventors was not the original goal of the study nor the one it is designed to do authoritatively. This chapter does not present survey research, nor does it use representative sampling to allow generalizing about all Independent Inventors or Inventor-Activists. But the depth of experience, especially among Key Informant respondents like Independent Inventor Organization leaders who can corroborate my observations and my other interviewees’ experiences gives me confidence in even these preliminary findings—at least as indicators of processes that can be confirmed in more systematic research later.

5.3 Findings

Converting Independent Inventors to Inventor-Activists is a big challenge for the movement. Its leaders recognized that their concerns about patent policy don’t get the same level of attention among elites or the general public as other issues. Often, they explained, even getting other Independent Inventors to be involved in their collective efforts has been a significant problem. One savvy interviewee used the analogy of Inventor-Activists trying to throw a rock in a pond, with the expanding ripples containing new groups, from Independent Inventors and “innovators” to relevant elites to the public (Interview O382-1 at 321). The Inventor-Activists, he explained, needed to find a way to reach people in wider rings. This was (and is) a significant challenge. I found that there are significant barriers to Inventor-Activists’ mobilizing even the narrowest ring—other Independent Inventors—both in terms of their disposition to protest and their conversion to activists.

Below, I discuss six factors that I found to figure prominently in the micro-mobilization process for Inventor-Activists, or to impede that process from occurring. They were: (1) the extent of investment in inventing; (2) the Inventor’s patent consciousness; (3) any injurious experiences for the Inventor; (4) the Inventor’s biographical availability; (5) contact with agents of transformation; and (6) Inventor’s paranoia.

5.3.1 Investment in Inventing Encourages Mobilization

One factor that affects the disposition of people to engage in collective action on behalf of Independent Inventors is the depth of their involvement in inventing. Consistent with Whalley’s findings, I observed people attending Independent Inventor Organization meetings at widely

varying stages of inventing and innovating and with widely varying levels of personal investment in those activities. Successful, patented inventors who live from the proceeds of their inventions were rare, even at Inventor meetings. At his first meeting of his local Independent Inventor Organization, one full-time Independent Inventor with multiple patents recalled that the other participants “looked at [him] like [he] was from Mars ... like, holy shit, like you’re actually doing it!” (Interview O178-1 at 20).

Some aspiring Inventors have ideas that are not going anywhere. One experienced interviewee said that he was proud of serving as “the rocky shores of reality” for Inventors with far-fetched schemes (Interview O384-2 at Pos. 48). Another decried all the “hare-brained” inventions she had seen from her fellow women inventors (Interview O223-2 at Pos. 120). She described a particular colleague in her local inventor group who has “got a patent” but “she’s just spending money, spending money” even though it’s “never going to be a thing” (Interview O223-2 at 308-310). One of the most successful Inventor-Activists I interviewed expressed reluctance to publicly identify as an Inventor for this reason—because merely being a patented Inventor did not mean they had done very much:

I was happy to be considered just an inventor then I realized ... being an entrepreneur is where you actually become somebody successful at doing things that you invented. ... There was certainly just a limit to what the value of the title inventor was, and so it became even clearer as you read the patents and patent law that the patents do entitle you to be called an inventor and you can get the little certificate and put it on your wall and tell your grandkids, ‘I was an inventor—end of story.’ Well that doesn't mean you ever did anything with it that succeeded or commercialized it. (Interview O384-2, Pos. 42)

He wanted to be known as a producer and, despite his passionate activism for the patent system, recognized that patents are merely status symbols for some Independent Inventors.

Many aspiring Inventors get stuck developing their ideas. Some get paranoid about pushing their inventions to market. Others think the commercial opportunity is not ripe, or there is other work to be done refining their ideas (Interviews O223-1, O223-2, O223-4, O178-2, O281-1).

Most Independent Inventors I encountered do not have the financial resources to indefinitely support inventing independently (*i.e.*, not as wage-earning work). My impression was that almost every Independent Inventor I met was solidly middle class—an impression supported by Whalley’s earlier survey work and my interviews (*e.g.*, Interview O382-1 at 56). An emergent narrative of the modern maker and Inventor movements is that technology, such as 3-D printing and computer-assisted design, has made inventing cheaper (*e.g.*, Hatch 2013). Some of my interviewees shared this techno-optimism—one referred to the rise of cheap prototyping technology like 3D printing as the “garage factory revolution” or “basement factory revolution” (Interview O178-1 at 442). Yet this ignores the reality that even a few hundred dollars is beyond reach of many Americans. At no point during the last ten years has more than 70% of the U.S. population been able to afford even a \$400 emergency expense.⁴⁹ This is even true of

⁴⁹ See

<https://www.federalreserve.gov/consumerscommunities/sheddataviz/unexpectedexpenses.html>.

Independent Inventors: One Key Informant who worked as a consultant for Independent Inventors said that “a lot of these inventors didn’t have even a couple extra hundred bucks—frankly, the majority of them, really” (Interview O382-1 at 56). The universal-access narrative also hides the true cost of design, prototyping, and tooling for mass-produced consumer products, which is often in the tens of thousands of dollars and beyond the means of many Independent Inventors. I witnessed the discouragement on many potential inventors’ faces as the actual costs incurred in design and prototyping of commercial products were discussed during Independent Inventor Organization meetings. As one interviewee put it, “If you want to be successful as an independent inventor . . . you do have to have some money” (Interview O223-1a at 48).

One of the leading Inventor-Activists, Josh Malone, described the shoestring on which many Independent Inventors operate in the film *Invalidated*, an advocacy film about patent policy produced by the Tea Party Patriots in cooperation with the Inventor-Activists at U.S. Inventor. He described leaving his wage-paying job to start working on his own inventions. For a long time, none of them succeeded. Absent a commercial success from inventing, the funds started to run out. He was about to quit and go back to a wage-earning job that he hated when he happened to hit it big—only to then go through years of litigation and millions of dollars in attorneys’ fees to defend his patent-protected business. Although he eventually succeeded, Mr. Malone’s story emphasized the precarity of Independent Inventing. Had he given up and gone back to work because the money ran out, he likely never would have become the prominent Inventor-Activist he is today (more on this below).

Lack of time to engage in inventive work was another significant constraint on aspiring Inventors I met. It is, of course, related to money and the need to support oneself. Independent Inventors aren’t independently wealthy and often need to work while they are pursuing their inventions. One respondent who worked in a public patent library noted that she got a lot more interest from people in patents and inventing around the holidays, when people are free from work and able to pursue their independent interests (Interview O178-3 at 110). Another noted that their Independent Inventor Organization had higher attendance at meetings during the winter, when people weren’t off with their families (Interview O223-2 at 192-96). Interviewees talked about having to choose whether to put time into developing the products that embody their patents or do other important things, including work and family obligations.

Inventors who get stuck at the aspirational stage of inventing, or who only have time to dabble in inventing as a hobby, are unlikely to have the specific, vested interest in the patent system that could motivate them to activism. If the difficulties in Independent Inventing are already a strain, taking on activism is likely to be too large an incremental burden.

5.3.2 Variable Patent Consciousness and Independent Inventor Mobilization⁵⁰

⁵⁰ I use the term “patent consciousness” as an intentional derivative of Ewick & Silbey’s “legal consciousness” (1998). Like their subjects, the Independent Inventors I encountered described

Inventor-Activists' grievances relate to patent policy. But a focus on patents was not the universal or even modal view among other Independent Inventors I observed or interviewed at Independent Inventor Organizations. As Whalley found, Independent Inventors evidenced a range of orientations toward the patent system, from ambivalence to partisanship. Only the Inventor-Activists I encountered were partisans for the patent system such that they might be disposed to collective action to change it.

5.3.2.1 Patent Ambivalence

I encountered a deep vein of patent skepticism in my observation of Independent Inventor Organization meetings and my interviews with Independent Inventors. By this I mean an inherent skepticism of the patent system, not the acquired skepticism of aggrieved Inventor-Activists objecting to recent patent reforms.

I encountered numerous individuals who referenced Stephen Key in explaining their skepticism about the patent system, including speakers at Independent Inventor Organization meetings and interviewees. Given the prominence of Mr. Key in the Independent Inventor community, it is worth lingering on his attitudes about patents. (We'll return to his views again in the next chapter.) Mr. Key runs an invention coaching service called InventRight that teaches a ten-step product licensing system, which he has described in several books, including *One Simple Idea: Turn Your Dreams into a LICENSING GOLDMINE While Letting OTHERS DO THE WORK* (2015) (emphasis in original). His books claim that it is possible to invent without toil and financial risk by focusing on licensing small consumer product ideas to large companies. Those small ideas don't need to be patented, he says, because they can be licensed to large companies without having to pay for patents. Mr. Key has trained a number of invention "coaches" on his system, and they have begun coaching on their own as speakers and leaders of local Independent Inventor Organizations. This system is not without its critics; divisions between Mr. Key and others are a prominent source of sometimes quite heated conflict among Independent Inventor Organizations. But it has won many converts, including among my interviewees.

One interviewee offered this summary of her lessons about the patent system from Mr. Key's work:

Stephen Key, I think ... he tries to make the case ... [that] speed to market is the primary thing and ... that it's possible sometimes that there may not be any real value in the patent. ... [J]ust getting things out into the marketplace is where the real win happens. And I know that cliché ... 'your patent is only as good as your pockets are deep,' right? Like, there are things that are so terrifyingly true, right? (Interview O223-4, Pos. 168)

On this view, patents are often just a waste of money—moving quickly to capture market trends is the key to making successful consumer products. To protect their market share, these Inventors rely on iterating product versions faster than knockoffs can emerge and invest in patents only

having very different relationships with the patent system—the aspect of the legal system with which they have the most direct dealings in connection with their inventive work.

sporadically. This was a key theme in the talks given by business leaders at the 2023 Michigan Inventors Coalition annual event that I observed. The patent system, even if it was functioning nominally, works too slowly to capture viral trends. Why fight for a system that doesn't protect your work? Chasing patents is just a wasteful distraction.

Mr. Key is not, however, alone in his patent skepticism. Others expressed a similar ambivalence based on the nature of their inventions and the markets they address. For example, the keynote speaker at US Inventor's 2024 Annual Conference, Adrienne Smith, invented Blitz Champz, a football-themed card game, and had no utility patents. Instead, she spoke in part about having a diversified intellectual property strategy that includes copyright and trademark. Mr. Key has urged Independent Inventors to do likewise in a recent op-ed (Key 2022).

Some of the Independent Inventors that I encountered were users of the patent system and viewed it instrumentally. Many of the leading books for independent inventors adopt a flexible approach to patenting; even Mr. Key acknowledges that patents can be useful in rare cases where significant up-front investment in product development is required (K. Johnson 2020; Key 2015; Tuttle and Mangus 2021). Such a pragmatic, instrumental understanding of patents was especially common among the Inventor-Preneurs that I met, some of whom mobilized as Inventor-Activists and some of whom did not.

I happened to attend a meeting of an Independent Inventor Organization on a night when a member could report issuance of a couple of new patents. That non-mobilized Inventor received and acknowledged hearty applause—social esteem—even though they expressed an instrumental pragmatism about patents in a subsequent interview, in which they described patents as merely “valuable assets in a valuation” and “certainly a key part of getting license agreements” for their business (Interview O223-3 at Pos. 164). To this Inventor, patents were just an asset that can be valued on his company's books. He was willing to work with his local Independent Inventor Organization because that was a good opportunity for networking and advancing his business. He had no interest in wider issues of patent politics (or politics generally).

Another Inventor-Preneur who was particularly self-reflective about his approach to invention and patenting expressed a similarly pragmatic patent consciousness. He was not dismissive of patents. On the contrary, he owned multiple patents with other applications pending. He did most of his own technical drafting, which minimized the cost of patent prosecution. He had found a low-cost means of private patent enforcement that he utilized frequently for his issued patents because it allowed him to take down infringing products relatively inexpensively. He was incensed about the slow rate at which his patent applications had been processed by the PTO. But concerns about litigation campaigns involving the PTAB—or anything happening in national politics—were too remote to him to get involved in activism.

I just have this attitude that ... the president of the United States does not influence my day-to-day ... People might want to believe it does ... I'm sorry, like, if people hated Trump ... I would tell them, like, he doesn't affect you at all. ... He's in your head and fucking with you. Like people hate Musk. I love Musk. But it's like the fact that that guy makes you mad knows that he's winning because you're not in his head but he's in yours. But that guy has no effect on ... what you're doing today. You can get up an hour earlier.

You go to the gym. You can feel good. You can eat healthy. And you can you can get one or two more things done on your invention before you go to bed. And there is nothing that's stopping you ... externally from doing that. Yes, you're going to encounter ... a big risk with ... the PTAB stuff and it is things you need to consider but the ... reality is you've got so many other things you need to do before that's actually gonna influence your product that don't worry about it. (Interview O178-1, Pos. 168-172)

He made a pragmatic decision to focus on today's issues rather than tomorrow's potentialities. In his words, "as a manager and an ex-manager you can never give two number one priorities and my number one priority was developing products" (Interview O178-1, Pos. 364). The patent system and policymaking were too remote to his day-to-day concerns for him to be disposed toward activism—he had other, more pressing business matters to deal with.

5.3.2.2 Patent Partisanship

Some Independent Inventors I studied, however, were very invested in patents and the patent system. They were the patent partisans who were disposed to collective action to roll back what they viewed to be the wrongs of recent patent reforms. Inventor-Activists were all highly conscious patent boosters of this sort. For these Inventors, patents were vital to their businesses and to the nation. Patents were top-of-mind. This is certainly the messaging of U.S. Inventor, the leading Independent Inventor advocacy organization that coordinated the protest campaign, whose leaders regularly refer to patent policy as the most important issue of the day (no matter what else is happening that day).

Inventor-Activists commonly described the patent system as constitutive of America. In describing the reason he became an Inventor-Activist, one respondent explained that patents were vital to him, his family, and his conception of the country. When asked if his activism work was rewarding, he explained the value he placed on the patent system and why he would fight for his conception of it. In his words:

The government took away ... personally one of my rights—took away my property, took away my company. Sent me to the literally to the poorhouse. So the fight is worth it, and it's satisfying. But the larger issue is ... I have six grandkids ... they all need a patent system and there isn't one ... The idea that ... the patent system has driven this country to lead ... the world in technology for the entire 200 years—the results of it were ... obvious by the War of 1812 with replaceable parts in guns and it just escalated from there through the sewing machine, through all the ag equipment, through the airplane and on to television and computers and the rest of it. And it's all driven by the patent system ...

...

... Since 2006, *eBay*, prior to that a company would come up and ... they would ... earn a monopoly in their little area of technology. Somebody else would come out with something better and send them into the dustbin of history. Or a whole bunch of companies would come out with little pieces of something, they'd all consolidate or get acquired. But that all that was driven by patents and its exclusive right. In 2006, *eBay*

came along and since then these tech companies don't get run out by new technology. They just ... keep getting bigger and bigger and bigger. (Interview O384-1a, Pos. 109-119)

This Inventor-Activist clearly has a grievance with the patent system based on his own experience. More on that in the next section. But the centrality of patents in his worldview is remarkable. In one of the intermediate passages I omitted to avoid revealing personally identifiable information, he described the value of patents for building the business in which his father worked. He connected that to his own efforts, to his progeny, and to the nation as a whole. Patents were constitutive of his worldview. And he was not alone in this sentiment.

Beyond ideology, many of the inventors I interviewed, both mobilized and not, believed that invention and the patent system have been instrumentally important for America. One inventor-activist traced the emergence of American might from the “1790 patent” system and its “property rights” in inventions to “in a generation, we’re a superpower in the early 1800s” (Interview O384-5 at Pos. 58). Another Inventor-Activist connected those dots with Inventors: “What made this country strong was incentivizing people that had intelligence and creativity to pursue their dreams and ideas. . . . And that helped build a strong prosperous nation” (Interview O384-2, Pos. 68). More granularly, a non-mobilized key informant noted that incentivizing innovation with a strong patent system was key to the technological superiority of the American military (Interview O382-1, Pos. 526).⁵¹

While patent partisanship reflects a personal ideological and affective orientation toward supporting the patent system, it is worth noting that it does not equate with accurate knowledge about the patent system. I encountered a lot of questionable armchair lawyering by Patent Partisans, from dubious legal opinions tossed out over lunch to frivolous *pro se* filings seeking some manner of change to the patent system or the Inventor’s patents. Lack of accurate information about the patent system was a problem more generally, as I observed Independent Inventors being given questionable legal advice on multiple occasions. In fact, as will be addressed in the next section, the abundance of bad legal advice for Independent Inventors is one of the reasons that some do not pursue activism after having an adverse encounter with the patent system.

5.3.3 Injurious Experiences with the Patent System as Prelude to Micro-Mobilization

Not all Independent Inventors suffered an injurious experience with the patent system. Fewer still perceived that experience as an injury, blamed others for it, and were willing to make a public claim for justice. In a refinement of Munson’s findings about the variable sequencing of motivation and availability for activism, those Independent Inventors that did become activists sometimes acquired their highly attuned patent consciousness only after an adverse encounter with the patent system destroyed their world.

⁵¹ Interestingly, this non-mobilized interviewee compared U.S. military power to Russia, rather than to the Chinese foil that dominates the threats perceived by Inventor-Activists.

Most non-mobilized Independent Inventors I studied had no interactions with the patent system, let alone encounters that would constitute an injurious experience. The aspiring Inventors were still working on developing their ideas—patenting and attempting to exploit a patent are remote considerations for such people. As one Independent Inventor Organization leader put it, “patents are just a small part of [the inventor’s] journey” (Interview O178-3 at 16). Entrepreneurs—those Inventor-Preneurs who were running businesses were pragmatic about patents. None of these groups of Independent Inventors are likely to suffer injuries from patent reforms or engage in activism on patent policy. They don’t have enough “skin in the game” (Interview O223-2).

The earliest Inventor-Activists—including those Independent Inventor Organization Leaders who made the first trips to Washington to battle the Innovation Act and the founders of U.S. Inventor—had attenuated injurious experiences with the patent system. The earliest Inventor-Activists suffered indirect perceived injurious experiences. Rather than the loss of a case based on a patent reform, these Inventor-Activists had investments pulled or deals break down due to the anticipated effects of patent reforms—or they anticipatorily ended the ventures themselves. Although perhaps unclear from the passage quoted above, the Inventor-Activist quoted at length in the sub-section on Patent Partisanship, who spoke about the constitutive role he envisioned for patents in the life of his ancestors and descendants and the nation, was “indirectly” injured by patent reforms in this way. He founded a new venture based on patents that he had invented. But in the wake of the America Invents Act, in 2013, his funders pulled out of the project because of the risk they perceived that his patents would be invalidated. That collapsed his venture. He lost his home and his marriage in the aftermath. That is what he described as the government taking away his rights and his property—the injury that precipitated his fight to undo these patent reforms. Although the government hadn’t directly invalidated his patents or seized his investments, he blamed the government—and the Big Tech lobbyists that he thinks hold it in sway—for the reforms that led his investors to pull out of his venture and start his cascade of problems. And he threw himself completely into fighting those patent reforms.

Recall that Independent Inventors generally depend on (1) patent licensing or (2) venture financing to commercialize their inventions. While Independent Inventors may not be especially patent conscious or savvy to the latest patent reforms, the investment firms and law firms that monetize patents certainly are aware of and responsive to such reforms. They effectively make bets in advance of litigation about whether a given patented technology is worth pursuing before the disputes are resolved. They are therefore likely to anticipate changes in patent law before the first cases reach final resolution and can constitute a direct injurious experience for a patented inventor. On multiple occasions, I heard litigation funders and similar advisers confirm to Independent Inventors that they were not going to invest in ventures based on shaky or even single patents. As a result, the indirect injuries from these insiders’ anticipation of reform effects can foreshadow the direct injurious experiences perceived later by Independent Inventors who encounter those reforms in operation.

Other Independent Inventors I observed perceived an even more attenuated sort of injury—a self-imposed chilling of their inventive efforts based on the perceived diminution of patent protection. This is acquired patent skepticism—Independent Inventors who expect that they will be unable to successfully monetize a patented invention and therefore choose to sit on their

inventions, keeping them secret, instead of disclosing and developing them in accordance with the patent system's fundamental *quid pro quo*. I encountered many Independent Inventors who claimed to be engaging in this sort of self-limiting behavior in U.S. Inventor's lobbying days on Capitol Hill and at U.S. Inventor's annual meetings. And multiple Inventors I interviewed complained that they could not seek patent protection or investment for medical technologies using AI due to the narrowing of patentable subject matter in computer software under 35 U.S.C. § 101—and were abandoning those efforts (Interviews O384-1, O384-2).

Some Inventor-Activists may be motivated by status concerns. The threat that a patent can be canceled could be a serious blow to one's identity. While a national inventor group leader derided people who seek vanity patents as “tinkerers who, you know, made a microwave that can also roller skate . . . and . . . they brag about the fact they have a patent” (Interview O382-1(M) at Pos. 83), those people do brag about the fact that they have a patent. Being a patented Inventor is important to them. And the prospect that their patent is undermined or the system that granted it is collapsing may motivate such Independent Inventors to action. I interviewed two white male, somewhat newly single, at least “semi-retired,” Inventor-Activists who were Patent Partisans but had suffered no direct or indirect injury attributable to the patent system. Both were Rotarians and prominent members of their local Independent Inventor Organizations. Both were Inventors with patents and commercial ventures stalled in the Inventor-Preneur phase. Their patents were the best evidence of their success and status as Inventors. And they were passionate about defending the patent system as a constitutive part of America. Both also made remarks to signal that they were highly conscious of status, such as name-checking famous acquaintances and recounting their resumes, and that they perceived their interests as distinct from those of people of color. These kind of status threats, for people dealing with a life disruption like retirement and/or the loss of a spouse, may also push Independent Inventors to become Inventor-Activists.

There was yet one more ring of injury among the Inventor-Activists that I observed. Independent Inventors and other members of Independent Inventor Organizations who had suffered no direct or indirect consequence of patent reform sometimes became Inventor-Activists because they learned of the troubles faced by some Independent Inventors. A member of U.S. Inventor's staff, for example, noted that the film *Invalidated*, which focused on Josh Malone's struggles and provided a clear collective action frame, had been a particularly effective tool in driving interest and membership in U.S. Inventor (Interview O384-4 at 34). At the first Independent Inventor protest I attended in-person in San Jose, the first person I met was an Independent Inventor who was similarly motivated by conscience. He had heard of U.S. Inventor and Mr. Malone's story on the Internet, was appalled by what they said was happening to the patent system, and he drove nearly two hours to show up at a rally with an organization he had no previous dealings with. He ended up carrying a sign and making a speech, participating actively in the rally, transforming from Independent Inventor to Inventor-Activist on the spot.

5.3.4 Biographical Availability of Inventor-Activists

The time demands of Independent Inventing are well known; the archetypal Protestant asceticism of Independent Inventors discussed in Chapter 3 is that one perseveres in inventing over time. Stories of harried, frazzled Inventors trying to fill orders and run a business are legion.

Most Independent Inventors I met, including the Inventor-Preneurs, had no knowledge of Inventor-Activists, nor was activism something they were interested in pursuing right now. As business managers, they had higher priorities than patent policy—namely the pressing concerns of running a business.

The Entrepreneurs I met were especially clear that they were involved in Independent Inventor Organizations because that helped their business development efforts. For example, an interviewee who was responsible for recruiting at his local organization and wanted younger participants drew a line at trying to reach out to college or high school students. “If we would tailor to high schoolers, we’re just building general energy of inventorship philosophy—no thanks” (Interview O223-3 at 258). He wanted to keep his organization focused on “help[ing] inventors that ... already have their product and they’re looking to advance it and move it forward” (Interview O223-2 at 258).

Inventor-Activists, on the other hand, often had an abundance of time because their injurious experience with the patent system caused a major life disruption. Unlike Munson’s subjects, who turned to activism on pro-life issues after an unrelated life rupture, Inventor-Activists’ lives were turned upside down by the patent system. Business, homes, and families were lost when patents were invalidated or investors pulled out of precarious ventures. Some were able to use this time to seek out others similarly situated.

5.3.5 The Importance of Inventor-Activists’ Contacts with Agents of Transformation

Merely having an adverse encounter with the patent system was not enough to become an Inventor-Activist. To the extent Independent Inventors have had difficulties, even where they included the patent system, it is easy for them to blame themselves or their case rather than anything to do with the patent system that could be redressed with collective action. Failure as an Independent Inventor is the usual course; it was not always perceived as an injurious experience or someone else’s fault.

Patent litigation is especially uncertain and individualized, given that the scope of one’s claim is itself litigated in the middle of each case. The atomistic and uncertain nature of patent litigation can make it easy for Independent Inventors to blame themselves and lump it when they lose a case rather than perceiving a problem with the patent system. I frequently observed Independent Inventors who had lost cases debating whether they had done something wrong or made a poor investment such that they had sour grapes rather than a genuine injustice. I also observed, on multiple occasions, bystanders express their belief that sour grapes were the sum of the Inventor-Activists’ grievances. Blaming oneself for an adverse encounter with the patent system precludes perceiving an injustice and acting upon it collectively and not all Independent Inventors did that, even where they suffered a traumatic result.

All the Inventor-Activists I encountered had a problem with the patent system that they wanted to address collectively. Unlike non-mobilized Independent Inventors, Inventor-Activists shared

an oppositional consciousness or collective action frame that saw the changes to the patent system as unjust, driven by powerful Big Tech elites, and redressable by extra-institutional action. In the language of Law & Society theory, they were willing to collectively name an injustice, blame Big Tech for it, and make a claim on the government for redress. But it was not clear that they possessed those views before they suffered their adverse encounter with the patent system. As Munson found, the life rupture in their encounter with the patent system was an integral part of Inventor-Activists' micro-mobilization.

Molly Metz's case illustrates the precarity of the transition from directly aggrieved Independent Inventor to Inventor-Activist—and the importance of Agents of Transformation in supporting that transition. A self-described “accidental inventor,” Ms. Metz is a five-time national jump-roping award winner who runs a cross-fit gym and a nonprofit that teaches jump-rope to kids. She became an Inventor when a car crash injured her wrist and made jump-roping difficult for her. She developed a jump-rope system that includes bearings in the handles allowing the rope to swing without placing as much stress on the wrists as conventional jump ropes. Her technology was rapidly, widely adopted in the cross-fit world, including by industry leader Rogue Fitness, who sold jump ropes allegedly embodying Ms. Metz's patented design. Rogue eventually challenged her patents in the PTAB, successfully invalidating them after a COVID-era hearing over Zoom during which Ms. Metz describes one of the presiding ALJ's being more focused on their barking dog than the arguments about her case. Her appeal to the Federal Circuit Court of Appeals was denied summarily, in a single-sentence opinion under Rule 36 of the Federal Rules of Appellate Procedure. She never got the chance to make the case she thought she deserved to make—a procedural injury that she felt acutely.

Although Ms. Metz eventually came to perceive her experience with the patent system as an injustice, that was not her first reaction. Her first reaction was despondency. Through tears, I observed her on multiple occasions describe how hard it was to get out of bed for a month following the loss of her patents. I heard similar stories of overwhelming, debilitating sadness from many other Inventor-Activists (who were often moved to tears by Ms. Metz's speeches). Another Independent Inventor whose patents had been invalidated on subject-matter eligibility grounds, for example, described crying on the floor of his shower and weeks of depression after his patents were invalidated (Interview O384-3). Their emotional reactions evidence the importance of their patents to some directly Independent Inventors' sense of self.

Part of the reason that Ms. Metz was so aggrieved was that she perceived status in being named an Inventor on a U.S. patent. She explained in a public presentation I observed that obtaining a patent was a key part of her growth into an Inventor and entrepreneur. To Ms. Metz, obtaining a patent was a “big deal” because it demonstrated that she and her invention were “seen” (Field Notes). For Ms. Metz, this social recognition—a status benefit—was as important as the ability her patents temporarily provided to do “big business” (Field Notes). Obtaining a patent had been a key part of Ms. Metz's growth into an Inventor and entrepreneur. To Ms. Metz, the loss of her patents when they were invalidated by the PTAB was a direct blow to her status and a serious emotional hit. Her “seen-ness was taken away from” her. She was devastated.

The loss of her patent dispute put Ms. Metz in a terrible material position. After losing her case, Ms. Metz had no financial resources left to contribute to inventing. As she put it, “Remember I

started my company it was for kids that are at the end of their rope. I'm literally at the end of mine. I have no – nothing left. I have \$300,000 in legal debt.” As with many Independent Inventors, Ms. Metz’s lawyers split the cost of litigation with her—extending her credit for a portion of litigation costs and securing a cut of any recovery for the attorneys on the back end. That arrangement works well if the case is successful because the Inventor’s share of the legal costs can be recouped from their share of the winnings; the Inventor never goes out of pocket. But after a defeat, an Independent Inventor on a shoestring like Ms. Metz can end up on the proverbial hook for costs they never believed they would incur and which they, absent their patents, have no ability to repay. That this would happen in every case was the reason Inventor-Activists mobilized to fight the fee-shifting provisions of the Innovation Act (see Chapter 4).

Ms. Metz explained that her emotional difficulties after losing her patents were compounded by cognitive ones. She “felt like such an idiot.” She felt like she had “done something wrong” because her patents were found invalid. Her temptation was to blame herself. As with other Inventor-Activists, Ms. Metz asked whether she had suffered an injustice or simply made a bad mistake.

Ms. Metz learned, however, that she was not alone—that there were other Independent Inventors who had suffered similar injuries and who needed assistance. She credits Josh Malone in particular (as do many Inventor-Activists) with helping her transform her view of her case (Rough 2023). He helped her see that she was “not alone” and “not an idiot.” As he has done for many aggrieved Inventors, including other interviewees, Mr. Malone offered non-legal advice on the litigation process during Ms. Metz’s case and help with becoming an Inventor-Activist afterward. He helped her frame her dog-barking PTAB trial as a procedural injustice, rather than an ordinary litigation defeat. He helped her see large companies like Rogue Fitness (her accused infringer) in the cross-fit space or the Big Tech giants of the high-tech sector as the drivers of the patent law changes that she perceived as injuring her. And U.S. Inventor provided an organizational home where Ms. Metz could find other aggrieved Independent Inventors like Mr. Malone who would support her and each other in their collective defense. Together, they helped Ms. Metz shift the blame for the loss of her patents to patent reforms promoted by Big Tech, channeling her sadness and anger into persuasive activism and advocacy on behalf of her fellow Independent Inventors as an employee of U.S. Inventor in the halls of Congress and on the streets of Washington, D.C.⁵²

5.3.6 The Challenge of Inventor’s Paranoia

I learned of isolated Inventors second-hand from my interviewees—Independent Inventors who may or may not have had an injurious experience with the patent system but would be unlikely to come forward in any case. These Inventors were reluctant to engage in any public inventing work at all. They were, of course, absent from Independent Inventor Organization meetings. Recall that the definition of an Independent Inventor is someone who regularly engages in inventive work at their own direction and for their benefit (see Introduction). Self-directed, Independent Inventors almost definitionally, then, tend to seclusion. Interviewees who lead

⁵² As one leader of U.S. Inventor put it, “If Molly’s crying, we’re winning!” (Field Notes).

Independent Inventor Organizations agreed that trying to get independent-minded Inventors to work together was a challenge like “herding cats” because they’re all focused on their individual concerns (Interview O223-1a at 116, 270). But structural and legal factors also contribute to Independent Inventors’ tendency to work in isolation. Isolated Inventors are unlikely to see inventing as a collective concern or to invest the personal resources required to be Inventor-Activists.

The economic structure of Independent Inventing contributes to Independent Inventors’ reluctance to discuss their inventing or their struggles collectively—even with other Inventors. Inventive work consists of up-front investments of time and money with the strong possibility that nothing useful or remunerative will result. Each additional step Independent Inventors take—including especially public disclosure of their inventions—entails risk. For almost all the Independent Inventors that I met, these risks were substantial. The Independent Inventor Organizations I have visited were full of middle-class people with aspirations of upward mobility, many of whom described investing significant proportions of their personal and family resources into their inventive dreams. Especially where such Independent Inventors believe they have developed something that works and is saleable, they were loath to do anything that jeopardized their ability to cash in. Many developed what some respondents referred to as inventors’ “paranoia” about discussing their inventive work with others, as would be necessary to collectivize—and is often necessary to profit (Interview O178-1 at 573).

My respondents characterized inventors’ paranoia as an exaggerated fear that public discussion of inventive efforts will result in illicit copying that prevents the Inventor from profiting from their invention. As one interviewee put it, it’s an irrational fear “that somebody’s gonna steal your idea—and then you realize no one’s going to steal your idea and then you can’t even talk them into your idea” (Interview O223-2 at 108). Another joked that “it’s inventor’s disclosure paranoia, you know, if I say my idea here at the coffee shop, [the] barista over thee is gonna run around the corner and go develop it—it’s like oh bullshit” (Interview O178-1 at 573).

That these Inventors would exaggerate these fears even to their own business detriment echoes earlier findings, like Whalley’s work, that Independent Inventors are reluctant to get involved in business. My respondents provided numerous examples of public discussions or disclosures of invention that ranged from the harmless to the beneficial for the inventor but were resisted by many Independent Inventors nonetheless out of fear of copying: “Pitch paranoia” was one notable example, in which Inventors are scared of disclosing their ideas to potential investors or licensees (Interview O382-1 at 240). One interviewee who self-diagnosed with “Amazon paranoia” explained that she was only “selling on Amazon a very tiny bit because” she didn’t “want to have big sales” so that we would be a target to be “knocked off” (Interview O223-2 at 48, 232). In the twisted logic of Inventors’ paranoia, she was trying not to sell her product very much because she was worried that she would lose the opportunity to sell her product a lot.

In addition to Independent Inventors’ characteristic lack of business acumen, my respondents identified a legal reason for Inventors’ paranoia as well: the transition from a first-to-invent to a first-to-file system in the America Invents Act. Recall from Chapter 2 that the America Invents Act included more than just the creation of the PTAB. The Act also aligned U.S. law with the rest of the world in awarding patents to the first applicant who files an application for a patent on

a given invention, rather than the first applicant to have invented the item. Previously, the U.S. patent laws awarded the patent to the Inventors who were the first to conceive an invention and were working diligently to reduce it to practice—even over someone who previously filed an application for the same invention. This was thought to protect the garage inventors who didn't have the patent prosecution departments of large firms; they could retain the rights to their invention even if they lost the race to the Patent Office. In changing the United States from a first-to-invent system to a first-to-file system, there was significant concern that Independent Inventors could be preyed upon by unscrupulous copyists who could take their inventions and rush to the Patent Office, preventing the Inventor from ever entering the market with their invention. My interviewee explained the increased paranoia after the AIA that he observed among Independent Inventors in his invention coaching business:

When it came first-to-file, first thing people came in and asked me to sign NDA's that were totally garbage! ... They're more worried about the how to get it patented issue than whether or not it was a good idea! ... It really worried so many people ... People really so nervous and shaking, 'you gotta sign my NDA before I can talk about it!' ... They're getting all upset with me about it like I was going to steal their idea, and I'm like you know I've got three lifetimes worth of my own things that I could be working on I'm not here to take yours I swear! Anyway, that that really hurt the confidence and exaggerated the importance of filing in the inventors' minds overall. ... I'm sure the attorneys love the race to go file provisional[patent application]s, but it started to open up the eyes of inventors. (Interview O384-2 at Pos. 54)

The perceived danger of public disclosure, in this interviewee's studied opinion, was sufficient to chill Independent Inventors from reaching out even to a private innovation consultant like him (let alone a public group) and, if they did, to make them demand prohibitively onerous and unnecessary non-disclosure agreements. Some Independent Inventors' seclusion thus may be partially created by their concerns about recent patent reforms.

Independent Inventors often strongly oppose public discussion of their inventive efforts or fail to find a welcoming community to support their inventive efforts. As long as Independent Inventors remain isolated, for whatever reason, they are unlikely to be disposed to or recruited into activism.

5.4 Conclusion

Getting people aware of and excited about patent law and other issues of relevance to Independent Inventors is a significant challenge—perhaps the biggest challenge—for Inventor-Activists. Motivating Independent Inventors to become Inventor-Activists—converting the most likely people to be disposed toward activism into Inventor-Activists—is just the first step toward movement success, however. They also need to convince elite policymakers and, ideally, other members of the general public, for their movement to have impact. Those efforts remain ongoing.

Based on my interviews with Inventors and Inventor-Activists, I found that many factors inhibit the transition from Independent Inventor to Inventor-Activist. Some Independent Inventors never

invest enough in inventing to have a stake in the debate over patent policy; they were dabblers in inventing. Others have the opposite experience—they start successful entrepreneurial ventures and lose the biographical availability to engage in advocacy work as their businesses consume their time. Some Inventors are ambivalent about the patent system. And some fear collectivizing, letting Inventor’s paranoia get the better of their need for support.

Inventor-Activists, on the other hand, share some personal stake in inventing generally and the patent system specifically. They have an injurious experience with patents, of varying degrees of specificity. And then they have contact with an agent of transformation who can help them see that injurious experience as not their fault, but rather the fault of the patent system and the interests influencing it. There are a lot of links in this chain.

One reason that Independent Inventors may choose not to link up with other Independent Inventors suggested by my data and worth further exploration is that some Inventors felt excluded from Independent Inventor Organizations for reasons that had nothing to do with inventing. According to my interviews and observations, Independent Inventor Organizations are not always hospitable for young people, women, or people of color. Although my methods don’t support precise estimates, multiple interviewees observed—as did I—that older, retired individuals were overrepresented in Independent Inventor Organizations (Interview O382-1 at 211, 232; Interview O223-3 at 66; Interview O178-3 at 58; O281-1 at 38). As one quipped, “they fax you their ideas” (Interview O382-1 at 212). One interviewee responsible for recruiting at his local group explained that they struggled to reach young people (Interview O223-3 at 70). He also said that they struggled to reach women, suggesting they stop “talking about the industrial hammer convention and get more into child products and stuff” to recruit more women into their club (Interview O223-3 at 108). Perhaps not surprisingly, a woman who had attended that “old man’s club” reported that she stopped doing so because she felt like a “token” whose contributions had been marginalized to making coffee and planning parties (Interview O223-2). I also witnessed racially offensive remarks and other interactions that may at least partially explain the rarity of people of color in the Independent Inventor Organizations I observed. While these exclusionary dynamics are not necessarily unique to Independent Inventor Organizations, they are consistent with the underrepresentation of minorities in the Inventor community more broadly and are an acknowledged recruiting challenge for those organizations.

Inventors may be able to use political opportunities to capitalize on such elite and public support. But just as only a small number of potential disputes ripen into legal cases, the Inventor-Activists are only converting a small number of Independent Inventors—even Independent Inventors who have suffered adverse, injurious experiences with the patent system—into Inventor-Activists. Sustaining those Inventor-Activists’ engagement is an emerging challenge as the movement ages—a persistent challenge for Independent Inventor Organizations over time (Hintz 2019). Some Independent Inventor Organizations, like U.S. Inventor, are trying to address that—which is the subject of the next chapter.

Chapter 6

Inventing Organization: U.S. Inventor's Meso-Level Mobilization of Inventor-Activists

So after ... three days I thought, "This isn't going to work!" So I went back to Indiana and bought USinventor.org, put up a website, got business cards, printed—made a logo, faked 2500 members, and put a header on my paperwork that I was bringing them. And I went back the next week, and they asked me, "Who are you with?" And I'd say, "Well, I'm with U.S. Inventor," and I'd hand him my business card and they'd say, "Sit down—I'll get somebody for you." (Interview with Paul Morinville)

That some organization is necessary for mobilization is the consensus view among Social Movement scholars. The organizational question for an incipient movement is whether to 'build or buy' organization—to create something new, which is a considerable challenge, or to leverage existing organizations, which can be easier if such indigenous community exists. Why and how Inventor-Activists created a new organization in U.S. Inventor ("USI"), rather than leveraging existing Independent Inventor Organizations, is the subject of this chapter.

I found that the founders had to build USI not just so that Independent Inventors like Mr. Morinville could lobby in institutional channels as he described in the epigraph (see also Chapter 4), but because indigenous organizational resources in the Independent Inventor community were not up to the task of mobilizing Inventor-Activists extra-institutionally. Despite the presence of many sub-national Independent Inventor Organizations, those local groups comprised at most a weak communications network—not a readily mobilizable cadre of Inventor-Activists. And at the national level, no other group would engage in tactics like protest. Mr. Morinville and his co-founders, with help from allies like the Tea Party Patriots, built USI from the ground up when institutional politics proved insufficiently responsive and no other Inventor group was willing or able to take the fight to the streets.

6.1 Background

6.1.1 The Importance of Organization in Movement Mobilization

Organization lies at the meso-level of Social Movement mobilization, between the larger social context in which movements operate and the micro-level at which individuals become activists. It is the level of social structure at which individuals come together to collectively act for change in their wider social context. Indeed, much research has found that it is within movement organizations or separate movement spaces that activists come to develop their oppositional consciousness, or conviction that they should act collectively to redress some collective grievance (A. Morris and Braine 2001; Munson 2009).

The mere presence of individuals interested in social change does not lead to such action, even if opportunities for mobilization exist. They need resources, for example, to fund their efforts

(Jenkins 1983; McCarthy and Zald 1977). They also need to be coordinated in some way to act collectively. Organization also can help movements weather down times, providing continuity even in periods of movement abeyance (Rupp and Taylor 1987). Organization remains important in movement mobilization and movement maintenance.

A Social Movement is often comprised of multiple organizations, including Social Movement Organizations (“SMOs”) that are directly involved in protest and activism as well as groups with other strategies. Some of the earliest work to take organizations’ role in Social Movement mobilization seriously conceived of the relationship of SMOs in a Social Movement as a “social movement industry” in which the tactics of differentiated SMOs in the same movement “are influenced by interorganizational competition and cooperation” (McCarthy and Zald 1977, 1217). Although competition can be productive, where indigenous organizations reflect intra-group divisions efforts to leverage those organizations may be unsuccessful (Connell and Voss 1990).

More recent work on the relationship between Social Movements and organizations has recognized this contingency, positing SMOs and their interactions as part of overlapping social movement, organization, and legal fields (Edelman et al. 2010). This conceptualization importantly draws attention to the way in which law can help determine the structure of the organizational field and its relationship to the movement field, defining what sorts of organizations and organizational behaviors will be legally permitted for movement actors. As an example, public interest legal organizations’ public interest litigation has been severely restricted in the legal field, limiting their utility within the social movement field (C. R. Albiston and Nielsen 2006, 2014).

Similarly, the regulations governing nonprofit status can significantly affect nonprofit organizations’ behavior. Nonprofits can register as various types, although the two most commonly discussed with respect to movement activities are social welfare organizations formed under Section 501(c)(3) and of the Internal Revenue Code and advocacy organizations set up under Section 501(c)(4).⁵³ Donors to 501(c)(3) organizations can deduct their donations on their income tax returns; donors to 501(c)(4) organizations cannot. But in exchange for this financial benefit, 501(c)(3) organizations must refrain from endorsing political candidates or engaging in lobbying as a principal activity. Organizations under 501(c)(4) have no such restrictions. Confusion about what sort of political activities are permitted can hinder 501(c)(3) organizations from engaging in advocacy—even if some political activities would not be prohibited by the statute; leaders of 501(c)(4) organizations generally feel no such compunction (Kagan 2022).

I refer to the ability of a community to effectively mobilize organizations within (SMOs) and adjacent to (allies) a Social Movement field as organizational capacity. Numerous studies have found that the greater the organizational capacity of a given community, the more likely mobilization is to occur when it is aggrieved and presented with an occasion for acting (Marwell et al. 1988; McAdam 1999; A. D. Morris 1986; Zepeda-Millán 2016).

⁵³ 26 U.S.C. § 501.

Indigenous organizational resources within a community do not necessarily need to be focused on activism to be useful for a Social Movement. Other community networks can be leveraged by movement entrepreneurs, so long as participants in those networks can be convinced that doing so is in their interest. For example, immigrant rights' activists used soccer leagues and business coalitions in Florida to disseminate information about and motivate individuals to protest against pending anti-immigrant legislation (Zepeda-Millán 2016). Churches in the Black civil rights movement comprised another network that provided activists with significant indigenous organizational capacity by communicating about developments within the movement, providing a shared moral vernacular, and offering preexisting networks of volunteers (Jenkins and Eckert 1986; McAdam 1999; A. D. Morris 1986).

Movements also are likely to need support from external allies, in addition to indigenous resources, especially if they are insurgent groups challenging more powerful interests. Resource Mobilization theorists worried from the outset about the moderating influence of external benefactors, especially elite allies connected to incumbent power structures who might disfavor radical disruption (McCarthy and Zald 1977). Piven and Cloward (1978) found that the presence of organizations was fundamentally incompatible with protest in poor people's movements. Staggenborg followed classical sociology in finding a stultifying effect of professionalization, a specialized form of organization, on protest (1988). But it is not an "iron law" that organization and professionalization leads to moderation; there is agency in how an organization manages its development and tactics (Voss and Sherman 2000).

Nor does an abundance of resources guarantee the emergence of any particular organizational form. Research on Conservative Movements makes this clear. As scholars like McVeigh have noted, for movements of privileged interests, organizational capacity is often presumed but should be taken as variable (McVeigh 2009). The Tea Party was an ecosystem of national and local organizations—a social movement industry or field—with different organizational structures that affected how the organizations operated and how effective they were (Rafail and McCarthy 2023). Compare that to more top-down conservative organizations like the groups pushing state-level legal reforms in Hertel-Fernandez's work (2019), which were highly centralized but utilized protest as an effective complement to other institutional efforts.

As work like that of Hertel-Fernandez makes clear, to the extent Conservative Movements could mobilize quickly of late, it is in part because they had done the work of building dense organizational capacity over a longer time. The Conservative Legal Movement is an especially vivid example. With an explicit nod to resource mobilization theories of Social Movement mobilization, Teles (2010) explains how conservatives in the 1980s and 1990s built networks of intellectuals, politicians, and legal practitioners who were able to develop, disseminate, and implement a conservative legal ideology—a form of counter-mobilization in response to public interest litigation of the previous couple of decades—that gained ascendancy in the legal academy and the judiciary. Following Teles, Hollis-Brusky (2015) has described how the Federalist Society is one particularly adept organization in mobilizing conservative "intellectual capital" via a "political epistemic network" comprised of movement participants and sympathetic allies in the academy and public sector who are ready to mobilize when legal opportunities present themselves. She identified channels in which this network is activated and exerts

influence on diverse issues. These actors in the legal field are ready to opportunistically assist various social movements—including Inventor-Activists.

The Social Movements literature says that organization matters, but the way in which it can matter will be structured by the organizational and social movement fields in which mobilization occurs. In contested structures like fields, where the terrain is constantly being remade by the participants, there is room for agency. People can make choices about how best to direct an organization. In a Social Movement field or industry, there's room for organizations to adopt multiple strategies. Some insider and outsider tactics are complementary, like with Conservative Movement organizations' complementary efforts in state legislatures, courts, and on the streets. Similarly, using computational text analysis inductively, researchers found that the environmental movement included organizations with a wide range of approaches, from consciousness-raising and education to direct action like protest (Nelson and King 2020).

Whether a movement is able to capitalize on the resources and organizational capacity available to it depends on whether its leaders are able to link those resources to meaningful collective action. Identifying what tactics to use, when to deploy them, and what sort of events constitute threats and opportunities is a strategic calculation. In a study of California farm worker organizing, Marshall Ganz (2000) found that it was this “strategic capacity” more than mere resource availability that affected whether a movement could seize opportunities.

Why was protest a core part of USI's tactics? This chapter asks what the organizational field looked like for USI. What factors shaped the decision to invent a new, confrontational organization from whole cloth instead of leveraging one or more existing Independent Inventor Organizations?

6.1.2 The Historical Weakness of Independent Inventor Organizations

We know from prior research that Independent Inventor Organizations have not been a significant political force in patent policy (Hintz 2019, 2021a). Independent Inventors have long formed local clubs and even some national groups, but none with policy aspirations have persisted (Hintz 2019, 2021a). It is the Independent Inventors' organizational opponents who are thought to dominate patent policy—large multinational firms and their armies of paid lobbyists. The conventional view is that patent policy is an attempt to reconcile interests of patent proponents in pharmaceuticals with patent-hostile high-technology companies (Barnett 2021; Parthasarathy 2017).⁵⁴

Nevertheless, as Whalley (Peter Whalley 1991, 208) argued more than 30 years ago, Independent Inventors have at least the potential to be significant stakeholders in patent policy, which makes Independent Inventors worthy of study today. Whalley's work remains the most detailed study of the Independent Inventor community to-date (1992b; 1991). Working with the Department of

⁵⁴ A dynamic model of patents, something of a novelty in the field, says that patents, if strong enough, can be useful for small, disruptive market entrants—that strong patents generally favor smaller organizations (Barnett 2021).

Energy's Argonne National Laboratory, he surveyed Independent Inventors that he sampled from the membership lists of a sample of 24 Independent Inventor Organizations. He located "at least fifty-six independent inventor-organized clubs and councils in the United States" that varied from "small self-help groups of inventors that meet to provide social and moral support" to large organizations with thousands of members on their mailing lists and regular staffs (Peter Whalley 1991, 211–12).

Even though his survey used mailing lists from Independent Inventor Organizations, he found decidedly mixed attitudes toward organization among his subjects and widely varying practices among the organizations they comprise. Whalley cited the Inventor's paranoia I discuss in Chapter 5 as a reason for Independent Inventors' ambivalence about organizing, but there has long been legitimate concern in the Independent Inventor community about predatory for-profit organizations targeting hopeful inventors. Congress passed a bill in 1999 regulating invention promotion firms (35 U.S.C. § 297). The Federal Trade Commission offers guidance specifically for Inventors in dealing with such firms given their reputation for fraud.⁵⁵ The caution about organizing, for this and other reasons, remains a significant issue for Independent Inventors.

Despite Inventor's paranoia and a history of failures to organize, Inventor-Activists led by USI have managed to come together and coordinate a social movement campaign lasting more than ten years. How have they done so? What is different about organizational landscape for Independent Inventors today?

Why some organizations and not others? Why the timing of mobilization? As I explain below, the answer has to do with the structure of the organizational field, the rise of US Inventor, and the contributions of third-party organizations to the mobilization of Inventor-Activists.

6.2 Methods and Data

This chapter employs mixed methods to answer these questions, a detailed discussion of which is provided in the Methodological Appendix. Unique to this chapter is my quantitative analysis of an original data set on Independent Inventor Organizations.

Following social movement work on the importance of indigenous organizational resources in movement mobilization (e.g., McAdam 1999; A. D. Morris 1986), I sought to identify the Independent Inventor Organizations from which any such mobilization might take place. I conducted an online census of Independent Inventor Organizations, attempting to identify all the national and local organizations in the United States so that I could discern which organizations or types of organizations engaged in protest and other forms of political advocacy.

To identify Independent Inventor Organizations, I began by constructing a sampling frame of as many Inventor civil society organizations at the national and local levels as possible. By "civil society organizations," I mean clubs, educational organizations, and advocacy groups. I mean to exclude commercial firms, paid service providers, government agencies, and general business development organizations like the Chamber of Commerce or local Small Business Development

⁵⁵ See <https://consumer.ftc.gov/articles/invention-marketing-scams>.

Corporation. Although perhaps overinclusive, I assumed that most civil society organizations for Inventors would be targeted to Independent Inventors—as by definition other Inventors do their work within larger organized settings. This definition is purposefully broad because, following Nelson and King (2020), identifying the variable aspects of organizational logics that catalyze collective action by Independent Inventors is a goal of this project; I did not want to impose a typology of organizations *ex ante*.

I used multiple sources to identify U.S. Independent Inventor Organizations. This is a best practice in research on civil society and social movement organizations as it helps mitigate selection biases in any single method of identifying groups (C. R. Albiston and Nielsen 2014; Andrews et al. 2016; Bail 2015). First, I combined lists of Independent Inventor Organizations maintained or published by others, including the U.S. Patent Office, the U.S. Department of Energy, the United Inventors Association, and *Inventor's Digest*, relying on these Inventor-directed communications to accurately identify such organizations. I supplemented this combined list with (1) all organizations that had “invent*” but not “inventory” in their entity name in any of three encyclopedias of associations and non-profit organizations,⁵⁶ (2) all organizations that had “invent” in their name in the IRS’s nonprofit database, and (3) a Google search for “inventor organization.” I also included (4) organizations whose names I encountered incidentally in legal cases or secondary literature. From this list, I removed duplicate organizations and false positives (organizations with “inventory” in their name, “reinvention” groups focused on urban redevelopment and some commercial firms, or groups that had some other focus). My search yielded 368 unique inventor organizations in the United States that operate, or were reported to operate, since roughly 2000.

Definitively identifying Independent Inventor Organizations proved very difficult. As Whalley observed, they are frequently “ephemeral” (P. Whalley 1992b, 3); secondhand records of their existence are often sketchy, outdated, or inaccurate. I discuss these issues in greater detail in the Methodological Appendix.

For the organizations I identified, I attempted to find further information from online sources: URL, social media (LinkedIn, Twitter, Facebook, MeetUp), date of formation, date operations ceased, and an organizational mission statement or similar. I also coded binary variables for protest participation and litigation participation for further analysis.

From the overall sample, I purposefully selected a much smaller sub-sample to focus on qualitatively. I stratified the sample in several respects. In terms of geographic focus, I included national and local organizations. In terms of organization type, I included organizations that engaged in advocacy and other types of organizations, including clubs and a museum. And for the local groups, I included organizations sited where protests occurred and where they did not. Table 1 below describes the qualitative subsample, including groups that refused to participate or did not respond to my outreach efforts. Group names are omitted to preserve confidentiality of interviewees.

⁵⁶ The encyclopedias used were *Encyclopedia of Associations: National Organizations of the U.S.*, *Encyclopedia of Associations: Regional State and Local Organizations*, and the *National Directory of Nonprofit Organizations*. The encyclopedias covered 2009 through 2018.

Organization	Geographic Focus	Organization Type	Protest (National) Protest Site (Local)	Participated in study?
O384	National	Advocacy	Yes	Yes
O382	National	Support	No	Yes
O223	Local (Midwest)	Club	No	Yes
O178	Local (Midwest)	Club	Yes	Yes
O281	Local (Midwest)	Museum	No	Yes
O210	Local (West)	Club	Yes	Yes
O172	Local (West)	Club (for-profit ties)	Yes	No
O224	Local (East)	Club	Yes	No
O232	Local (East)	Club	No	No

Table 6.2.1 *Organizational sample.*

Participants in my sample included USI and another national organization not involved in Inventor-Activists' protests, two local organizations from cities where protests occurred, and two local organizations from cities where protests did not occur. I conducted a sort of organizational ethnography of each group, collecting ephemera, conducting interviews of leaders and members and, for membership organizations, participating in meetings.

I draw heavily on Key Informants among my interviewees who had experience with multiple Independent Inventor Organizations. Such Key Informants were especially valuable in characterizing the organizational field more broadly.

I rely heavily on one piece of ephemera, a pamphlet called *Patentable Repercussions*, to qualitatively compare national Independent Inventor Organizations below because it contained parallel statements on patent policy by representative national organizations at a single point in time. It therefore allows a fulsome comparison between these groups' strategies. Further detail on my observations and interviews is contained in the Methodological Appendix.

6.3 Findings

Existing organization among Independent Inventors turned out to matter hardly at all to the Inventor-Activists' mobilization. At the national level, the creation of U.S. Inventor drove mobilization—although that process was somewhat more complicated than the mythology of the epigraph suggests. Local Independent Inventor Organizations were of little help. To the extent U.S. Inventor's organizational efforts have succeeded for Independent Inventors, that success can be attributed to its efforts to differentiate its organization by using extra-institutional tactics and its support from allies like the Tea Party Patriots.

6.3.1 The Organizational Field of Inventor Organizations

Following Whalley, I found many organizations for American Inventors, especially at the local level, all over the United States. I identified a total of 368 Independent Inventor Organizations operating in the United States since approximately 2000.

Of the 368 Independent Inventor Organizations in the United States that I identified, 44 were national organizations, 4 aspired to global influence, while 287 were sub-national, or what I call “local,” and 33 were unknown. Most of the sub-national organizations are “local” in the sense that they were based in a metropolitan area. A few were larger groups like the Michigan Inventors Coalition, which unites multiple local Independent Inventor Organizations in the state and holds an annual conference that I attended in 2023. A full list of local Independent Inventor Organizations that I identified is contained in the Methodological Appendix.

Many local Independent Inventor Organizations are “ephemeral” things (P. Whalley 1992b). Small groups that come together opportunistically, they rely heavily on one or a few people and last but briefly. They do not build an organizational structure that persists beyond the interest of one or a few core group members. This is consistent with Hintz’s finding that there is a high rate of organizational turnover in organizations for Independent Inventors. Calculating organizational turnover with more precision, however, is very difficult. Confusingly, in the digital age these groups can leave traces that linger online, making it hard to ascertain what is a real organization and what isn’t (a methodological challenge I address in further detail in the Appendix). One Key Informant with extensive experience trying to organize local Independent Inventor Organizations observed, “A lot of inventors’ groups are like a good idea by somebody one day, right? And then they try and go through the motions but then they establish you know these [online] shadows really that still exist” even though the organization doesn’t (Interview O223-1a at 330). Putting the matter in more concrete terms, another Inventor-Activist said they reached out to 100 organizations they identified online and heard back from fewer than five, before they found one that eventually connected them to USI (Interview O384-3b at 102).

One reason that they come and go so regularly is that they tend to be quite small and therefore dependent on particular leaders, whose attention can wane. One Inventor-Activist who had met widely with local organizations—discovered using various social media—opined that “most of them are two or three guys” (Interview O384-1a at 185). While I do not have information on the membership of each organization I identified, my observation and my Key Informants’ impressions were that local Independent Inventor Organizations were small. Large local Independent Inventor Organizations I observed and heard described had dozens of regular attendees at their meetings. One particularly reflective Key Informant who had been involved with forming multiple groups described the structural challenge faced by would-be organizers of Independent Inventor Organizations: there are simply too few Independent Inventors in most geographic areas to sustain an organization. They described an attempt to build a local group when they moved to a new community, but they couldn’t get more than a handful of people to attend monthly meetings so the effort failed (Interview O384-2 at 78). Two of the three local membership groups I observed averaged around one dozen regular attendees (see also Interview O178-3 at 60). Others described meeting in groups of fewer than ten (Interview O178-1 at 80). And attendance in Inventor meetings had been dwindling due to concerns about the patent system. As one local Independent Inventor Organization put it in an *amicus* brief: “Unfortunately, during the past few years, the Edison Innovators Association has seen its

attendance fall from 50-70 people per meeting to 10-20 people per meeting, with attendees lamenting, ‘Why would I patent anything? It is not worth the paper it is printed on.’”⁵⁷

As Nelson & King found of the organizational field of the environmental movement, local Independent Inventor Organizations present a range of different strategies. The most common are Inventor clubs or support groups, invention education groups that teach the process of inventing (often to schoolchildren), support providers that may or may not charge for their services, museums, and foundations, although many groups’ activities are unknown or unclear.

I did not identify any local organizations that focused on advocacy. Patent policy is almost entirely national. The Inventor-Activists’ protests have followed targets—regional PTO offices and influential patent policymakers like Rep. Issa; their location has not been determined by the location of Inventor organizations.

The sub-field of national organizations for Independent Inventors features many more advocacy organizations than the local sub-field, which makes sense given the almost exclusively federal nature of patent law. This includes groups like the Inventor’s Project—the organization run by Charles Sauer that helped organize the first collective action by Independent Inventors during the 2015 fight over the Innovation Act (see Chapter 4). Table 2 below lists the 44 national Independent Inventor Organizations I identified. It also indicates when the organization was created, the last operations of the organization I was able to identify, the principal activities of the organization, and whether it was active in 2015 when the Innovation Act threat was at its peak (see Chapter 4).

Name	Created	Last Operations	Principal Activities	Active in 2015?
Alliance for American Innovation	Mid-1990s	2000	Museum; Advocacy	No
Alliance of US Startups and Inventors for Jobs	2013	Ongoing	Advocacy	Yes
American Association of Inventors	Unknown	Unknown	Unknown	Unknown
American Society of Inventors	1953	2018	Inventor Support	Yes
Black Inventors Gallery Inc.	Unknown	Unknown	Museum	Unknown
Essential Inventions Inc.	2004	2013	Inventor Support	No
Institute of Black Invention & Technology Inc.	2005	2021	Museum	Yes
Inventions for Good Inc.	2014	Ongoing	Invention Education	Yes
Inventiv Foundation	2018	Ongoing	Inventor Support	No
Inventive Ideas Inc.	2000	2023	Services Provider	Yes

⁵⁷ <https://www.scotusblog.com/wp-content/uploads/2015/12/14-1513-14-1520-tsac-Small-Inventors.pdf> at 3

Name	Created	Last Operations	Principal Activities	Active in 2015?
InventNet	2017	Ongoing	Inventor Club	No
Inventors Association of America	Unknown	Unknown	Unknown	Unknown
Inventors Groups of America	2017	2025	Inventor Support; Advocacy	No
Inventors Workshop International Education Fund	1971	2011	Inventor Support	No
Inventrepreneur Me	2016	Ongoing	Invention Support	No
Inventsucces	2003	Unknown	Inventor Support	Yes
Korean-American Invention Promotion	Unknown	Unknown	Unknown	Unknown
Korean-American Inventors	Unknown	Unknown	Unknown	Unknown
Museum of Black Inventors	1996	Ongoing	Museum	Yes
National Academy of Inventors	2009	Ongoing	Inventor Support	Yes
Venturewell f/k/a National Collegiate Inventors and Innovators Alliance	1995	Ongoing	Inventor Support	Yes
National Congress of Inventor Organizations	Unknown	2002	Inventor Support	No
National Inventive Thinking Association	Unknown	Unknown	Unknown	Unknown
National Inventors Cooperative Association	Unknown	Unknown	Unknown	Unknown
National Inventors Foundation	Unknown	Ongoing	Services Provider	Unknown
National Inventors Hall of Fame & Foundation	1973	Ongoing	Museum	Yes
National Inventors Hall of Fame and Invention Museum	Unknown	Unknown	Unknown	Unknown
National Patent Association	1996	1999	Advocacy	No
Professional Inventors Alliance	1993	2006	Advocacy	No
United Inventors & Scientists of America	Unknown	Unknown	Unknown	Unknown
United Inventors Association	1990	Ongoing	Inventor Support	Yes
US Inventor	2015	Ongoing	Advocacy	Yes
Vets Invent	Unknown	Unknown	Unknown	Unknown

Name	Created	Last Operations	Principal Activities	Active in 2015?
Young Inventors Association of America	2002	Ongoing	Invention Education	Yes
Young Inventors of America	Unknown	Unknown	Unknown	Unknown
Small Entity Patent Owners Association	Unknown	1996	Advocacy	No
Native American Intellectual Property Enterprise Association	2010	Ongoing	Invention Education	Yes
National Inventor Club	2020	2025	Inventor Club	No
Inventor's Project	Unknown	Ongoing	Advocacy	Yes
Independent Inventors of America	2014	2017	Advocacy	Yes
American Inventors for Justice	2015	2023	Advocacy	Yes
Fair Inventing Fund	2020	2024	Advocacy	No
The Lemelson Foundation	1992	Ongoing	Inventor Support	Yes
National Innovation Association	2016	2017	Invention Education	No

Table 6.3.1.1 National Independent Inventor Organizations in the United States.

Unlike the local organizations, only a couple of national groups were organized as Inventor clubs. Both worked primarily online. The National Inventor Club, for example, provided online educational presentations and discussion forums. It grew out of local clubs in the New York City metropolitan area that closed when COVID made it difficult for those groups to meet in person. The transition to a national club was made possible by the move to an online format. Many local groups, however, did not survive COVID and never resumed operating. A Key Informant reported that it “absolutely wiped ... out all the groups that used to meet live” (Interview O384-2 at 82).

As with the local organizational sub-field, there are also some national Independent Inventor Organizations that are service providers, but it can be difficult to tell. Inventors Groups of America (“IGA”), for example, is a national organization that will be discussed in more detail below. Its website states that it is “powered by inventRight”—the for-profit invention promotion service run by its founders—but does not explain what that means. The organization hosted some free webinars, but it was unclear whether or how they related to the for-profit invention promotion business. As another example, the National Inventors Foundation—which used the website and supposedly the invention promotion system from an old pro bono service—now offers coaching and invention promotion plans that start at \$15,000 for 3 months’ support shopping a consumer product invention to 8 retail chains.

The advocacy groups for Independent Inventors at the national level, other than those affiliated with USI, have worked within institutional channels. The Inventor’s Project, for example, is a

lobbying organization. Older groups like the Professional Inventors Alliance sent letters and gave media statements, but did not engage in extrainstitutional tactics like protest.

The number of advocacy groups in Table 2 may somewhat exaggerate the extent of organizing in the Independent Inventor community. Some of the organizations are related. Both the Alliance for American Innovation and the Professional Inventors Alliance, for example, were run by the same eccentric Inventor. And several of the organizations are related to USI, including its precursor Independent Inventors of America (discussed below), a group called National Innovation Association founded by USI President Randy Landreneau, and the Fair Inventing Fund founded by USI leader Molly Metz.

The most prominent Independent Inventor Organization in the United States is the United Inventors Association (“UIA”). Founded as a 501(c)(3) nonprofit in 1990 with the support of the U.S. Patent & Trademark Office (“PTO”), it is primarily a support organization for Independent Inventors and local Independent Inventor Organizations and not an advocacy organization (Interview O384-2 at 22). Although estimates are sketchy, UIA claimed to represent 15,000 members in litigation during 2016 and boasts about 100 affiliate organizations. Its financial resources are modest. Form 990 data, the tax filings for the organization, indicate that its operating budget was generally around \$100,000 per year in the mid 2010s, although it had been closer to \$250,000 in 2012 and 2013, the earliest date for which information is available.

6.3.2 Political Constraints on Local Inventor Organizations

The focus of many local Independent Inventor Organizations—like the UIA at the national level—was helping their members on the archetypal journey from invention to innovation to success. That did not mean that the local groups focused on patents and would engage in patent policy, however. Quite the opposite. “Patents are a small part of [an inventor’s] journey,” observed one local group leader (Interview O178-3 at 16). Many local groups were solely, even myopically focused on helping their members go from Inventors to entrepreneurs. As a frustrated Inventor-Activist put it, “I ... don’t think that that’s what inventor groups are focusing on is ... patent law. They’re all focused on getting their idea created and getting it to market and they’ll worry about all that stuff later” (Interview O384-3b at 90; see also Interview O384-2 at 56-58).

Other groups linked to for-profit firms and other service providers who work with Independent Inventors had a financial incentive to avoid politics—especially talk of threat to the patent system and the ability to financially exploit an invention. Key Informants reported that it was difficult to recruit Inventor-Activists at these organizations because those groups’ leaders were not disposed toward activism; their businesses depend on keeping Independent Inventors optimistic. They denied access to their organizations to Inventor-Activists and avoided discussion of patent policy. “The other groups that are out there that are for-profit ... their agendas are to make money and they’re not going to try to dissuade anybody from thinking that

there's a chance that you know they're not going to own the rights to their product ... They don't deal with those issues at all" (Interview O384-2 at 36, 38; see also Interview O384-1a at 181).⁵⁸

Qualitative data suggests that many local groups were almost exclusively social. As one leader of a local Independent Inventor Organization put it, "A lot of our members just like being in the meetings" (Interview O223-1a at 260). Another person who participated in that club would sometimes bring her mother because "it was kind of, you know, social" (Interview O223-2 at 292) although they also disparagingly referred to the group as "AA for inventors" who just wanted to "moan and groan" (Interview O223-2 at 102, 178). That sentiment was not uncommon. Another Key Informant who had met with many groups said in almost identical language that lots of local Independent Inventor Organization meetings "feel more like ... an AA meeting where people were just whining and complaining" than a productive discussion about innovation (Interview O382-1 at 234).

Multiple interviewees (including Inventor-Activists) reported a reluctance to discuss political issues—even patent issues of concern to the Independent Inventor community—within their local Independent Inventor Organizations. Although this was sometimes for idiosyncratic reasons, a general theme among group leaders was that as 501(c)(3) non-profit organizations they were wary of engaging in too much political activity (Interview O384-3a at 50; Interview O384-3b at 90; Interview O223-1a at 116; Interview O384-3b at 90; Interview O178-3 at 30). Some local groups created "liaison" positions to USI or the patent policy world more generally, which were designed to cabin policy discussion into a small part of the organization's activities (Interview O178-3 at 30; Interview O384-3a at 50). That led one Inventor-Activist to realize they needed to leave their local group and go work with USI, because that's where the fight was (Interview O384-3a at 50). USI organized as a 501(c)(4) so that it would have no such restrictions on its political activities, consistent with Kagan's (2022) findings discussed above.

Local Independent Inventor Organizations also tend to be weakly organized and therefore not readily mobilizable. Encouraging regular structure and good governance was a focus of the UIA in advising local organizations to have written bylaws and be certified as 501(c)(3) nonprofits. Yet even groups whose leaders were attentive to such issues can struggle with organization. One group I observed that followed those best practices and had dozens of regular attendees, but it was nevertheless derided by members as an "old man's club" (Interview O223-2 at 178) that needed a "more systematic and process-oriented" approach "like you would do in a company to grow it" (Interview O223-3 at 38). Its leaders, and those of other groups, described the difficulties of trying to get people to do the work to keep an organization's activities going (Interview O281-1 at 38; Interview O178-3 at 108; Interview O223-3 at 16-18). The organization struggled, for example, to update its website as its leaders didn't use social media and didn't seem to care about this new mode of communication (Interview O223-3 at 110-120).

The organizational weakness of local Independent Inventor Organizations extends to the field. Local groups do not comprise a coherent network, unlike soccer teams in a league who regularly

⁵⁸ I attempted to contact a local organization led by someone with ties to a for-profit group to include in my sample. The group leader refused to participate, citing the value of their time. The organization has now ceased operating.

meet to play one another (Zepeda-Millán 2016). Prior to the Inventor-Activists' mobilization against the Innovation Act, leaders of local groups "knew of each other's presence" through UIA's events and otherwise, but not much more than that (Interview O384-2 at 22). Mr. Landreneau formed an organization called Independent Inventors of America in February 2014 as they were lobbying against the Innovation Act, with Mr. Morinville as Vice-President, to set up such coordination. Including Mr. Landreneau (but not Mr. Morinville), there were 57 initial founding members of Independent Inventors of America, representing 39 local Independent Inventor Organizations. Mr. Landreneau called on leaders of local organizations to come to Washington, DC for the "hearing" described in Chapter 4. Most did not come.

To the extent they were aware of one another, divisions among local Independent Inventor Organizations were legion. "The problem is ... whether it's US Inventor or other inventors' groups in general, it's very hard to get some consensus on things to move forward and it's like herding cats" (Interview O223-1a at 116). These divisions ranged from divergent areas of expertise and experience to acrimonious disputes over the appropriate way to run a local Independent Inventor Organization. Some groups even reportedly rejected any kind of coordination at all (Interview O223-1a at 385-395). These splits between local Independent Inventor Organizations made it very difficult to leverage those organizations into collective action on behalf of Independent Inventors as a whole or sustain any kind of federated organization of local inventor groups. The organizational capacity of local Independent Inventor Organizations was very weak.

6.3.3 Political Constraints in the National Inventor Organization Field

Nor would any national organization for Independent Inventors express the confrontational, activist political logic of the Inventor-Activists before U.S. Inventor was formed in 2015. To the extent national Independent Inventor Organizations existed around 2015, they also were not very politically active.

Of the 44 national Independent Inventor Organizations I identified, just 18 of them were operating in 2015. Half of those organizations were inventor support groups or invention education organizations. Three were museums and one was a services provider. That leaves just five advocacy organizations that were active at the time of the threat: The Alliance of US Startups and Inventors for Jobs, American Inventors for Justice, Inventor's Project, Independent Inventors of America, and newcomer U.S. Inventor.

Even that, however, overstates the available organizational capacity of these groups. Independent Inventors of America and U.S. Inventor were run by the same people. Inventor's Project helped get them going. That leaves just the Alliance of US Startups and Inventors for jobs, which includes firms from patent-intensive sectors and is more lobbyist than membership organization, and American Inventors for Justice, which is run by patent attorneys and retired Federal Circuit judge Randall Rader.

Those groups were not going to engage in disruption of the sort that USI advocated. For example, Charles Sauer of the Inventor's Project—an advocacy organization seeking stronger

patents that is not a membership organization—appeared on the first version of USI’s website when it was still an “aspirational organization.” Also running the free-market lobbying group the Market Institute and entrepreneurs4growth, Mr. Sauer was active on Capitol Hill. Deeply connected to Washington elite, Mr. Sauer reportedly would not support tactics like the patent-burning protest at the PTO conducted by USI in the summer of 2017 (Interview O384-1a at 205-209). Although a “good guy,” USI’s “rough-and-tumble” wasn’t a shared style of politics with which he would associate (Interview O223-1a at 459). Mr. Sauer continued to operate the Inventor’s Project and be involved in patent policy, but not as a part of USI and not as an Inventor-Activist.

The largest Independent Inventor Organization, UIA, was constrained as a political actor by its ties to the patent establishment in the United States. UIA was formed with the support of the PTO in 1990 as outreach toward Independent Inventors.⁵⁹ This institutional genealogy inhibited activism against existing patent policy by the organization. As one Key Informant put it, “The UIA itself wouldn’t take any stances against the USPTO. They consider themselves an offshoot of the USPTO, frankly, and still do to this day” (Interview O384-2 at 22). Even when UIA has tried to organize local groups into a semi-autonomous confederation of Independent Inventor Organizations, Inventor-Activists “were hoping that could be more of an advocacy group and it turns out no, they’re still tied to UIA and they can’t ... so that didn’t work” (Interview O384-2 at 36; see also Interview O223-1a at 88).

UIA leadership may also have felt constrained by its status as a 501(c)(3) non-profit organization. Multiple interviewees indicated that the UIA avoided getting involved in patent policy in significant part to protect its 501(c)(3) status even though it was unclear what the threat to that status might be (Interview O384-2 at 534; Interview O384-1a at 176-179).

While it is not one of its principal activities, UIA has joined in institutional advocacy for Independent Inventors with some regularity. It has filed *amicus* briefs, both before and after USI was founded, and it participated in the hearing against the Innovation Act organized by Inventor’s Project in 2015—the initial mobilization of Inventor-Activists described in Chapter 4. But there was no discernible appetite at UIA for confrontational, extra-institutional tactics of the sort favored by USI, and certainly not at the PTO.

This conflict has been especially pronounced with respect to some of USI’s activities. USI and its members have alleged corruption at the PTO, for example—a stinging attack that UIA has not echoed. Burning their patents on the steps of the PTO was another public swipe at the office with which the UIA—a frequent PTO collaborator—did not associate.

I found no other national Independent Inventor Organization before U.S. Inventor that expressed a strategy including direct, often extra-institutional, collective action to change patent (or other) policies of concern to Independent Inventors. No other national organization engaged in protest, for example.

⁵⁹ <https://www.linkedin.com/company/united-inventors-association-of-america/>

I did uncover evidence of ephemeral organizations formed to combat past legislative threats to the Independent Inventor community, but none of them engaged in sustained contention or extra-institutional protest. For example, I identified one Independent Inventor Organization in my sample, called the Professional Inventors Alliance (“PIA”), with stated aims and messaging that were strikingly similar to those of the Inventor-Activists, but targeted early patent reform efforts. PIA blasted the influence of corporate and Japanese firms on the American patent system, including the promotion of changes that would later be implemented in the 2011 America Invents Act. Those changes, like moving to a first-to-file patent system and allowing adversarial post-grant review of patents, PIA predicted would work to the detriment of Independent Inventors. But PIA’s website was eclectic and not updated after approximately 2008. I located the organization only via a website from a related Independent Inventor Organization called InventorEd, which has a mixed reputation. PIA did not appear in any of the other searches I conducted. I have found no record of any extrainstitutional actions by PIA other than meetings with other Independent Inventor Organizations. The last record of its activity I could find was in 2011.

Key Informants agreed that the absence of a stable advocacy organization before USI was founded in 2015 was a big reason there was no effective resistance by Independent Inventors to the reforms that underlie their grievances, such as the passage of the America Invents Act (Interview O384-1a at 175; Interview O384-2 at 10; Interview O223-1 at 118). Developing a persistent advocacy organization was a key part of Inventor-Activists’ mobilization in response to the threat of the Innovation Act (see Chapter 4) and a challenge they had failed to meet previously.

6.3.4 Inventing a National Organization of Inventor-Activists: The Rise of U.S. Inventor

The story is that U.S. Inventor, the national Independent Inventor Organization responsible for coordinating Inventor-Activists’ protests, began as a figment of Paul Morinville’s imagination—an “invention” in the patent law sense of a new and useful thing and the pejorative sense of an imagined contrivance. It was an “aspirational organization” in the polite language of one Inventor-Activist (Interview O384-4 at 40).

Frustrated by his investors’ decision to pull out of his patent-backed business venture (an indirect injury from recent patent reforms, see Chapter 5), Mr. Morinville went to Washington on his own and attempted to meet with legislators about the negative effects of patent reform for Independent Inventors like him. He quickly learned, however, that an individual generally can only meet with the legislators from the district and state in which they reside. After “three days” he went home, and he invented an organization called U.S. Inventor with imaginary members but a real website, letterhead, and business cards. And then he returned to Washington as a representative of this “aspirational organization”—where he began an intensive lobbying effort against the Innovation Act, which was then pending in Congress (see Chapter 4). He worked with Randy Landreneau and Adrian Pelkus—leaders of local Independent Inventor Organizations in Florida and California, respectively—to convert U.S. Inventor into a genuine,

membership-based advocacy organization for Independent Inventors that could drive a movement for stronger patent laws.

At least that is the mythology. The history is a little more complicated. LinkedIn says that USI formed in 2013, consistent with Mr. Morinville's recollection of having started working on the issues around that time. But there is no record of USI existing at that time.

Instead, Independent Inventors of America ("IIA") appears to have been an organizational precursor to USI that was operating at that time. Formed by Randy Landreneau in 2014, archived copies of the IIA website list Mr. Morinville as vice-president. At the 2015 "hearing" on the Innovation Act described in Chapter 4, Mr. Landreneau appeared and identified himself as representing IIA. Mr. Morinville appeared with no organizational affiliation. USI was not mentioned at that hearing in April 2015.

USI was formed right after that hearing. Again, though, there's some myth-making in play. The first version of the USI website in January 2016 identifies it as part of Inventor's Project with Charles Sauer as the sole identified participant. Mr. Morinville appears alongside Mr. Sauer by June 2016, identified as the founder of the group. Inventor-Activist Adrian Pelkus, then of the San Diego Inventors Forum, joined them as a Board member in October 2016, around the time that the protests against Rep. Issa began in San Diego. Then Charles Sauer falls off the website in May 2017, two months before the patent-burning protest at the PTO, reflecting his distaste for USI's confrontational approach.

Although its origin story is mythological, Mr. Morinville's commitment to USI once it was established had been very real. Despite frequently being suspected of being an Astroturf organization supported by powerful patent stakeholders, I found no indication that U.S. Inventor was conceived or mobilized by such interests. Instead, multiple interviewees indicated that the sole original source of funding for the organization was Mr. Morinville. By his public telling, he depleted his entire savings in the first few years of that work, forcing him to return to paid employment at the end of 2017. This is consistent with the written record. Randy Landreneau is identified as President of USI on its website in April 2018. The USI website indicated at this time that he teamed up with Mr. Morinville in 2013 against the Innovation Act. At about this time, IIA stopped operating, and Mr. Morinville took a back seat at USI.

Fortunately for USI, by that time Josh Malone had become involved with the organization. Mr. Malone (a/k/a "Josh the Balloon Guy"), who shared Mr. Morinville's libertarian politics, invented a popular toy called Bunch-o-Balloons. The patented invention was a device that fills many water balloons simultaneously, drastically reducing the preparation time for a water-balloon fight—a real concern for Mr. Malone and his eight children. After a viral Kickstarter campaign, but before Mr. Malone could get a product embodying his patented invention to market, infringing products were already being manufactured and sold in massive quantities by a known knock-off artist. With the support of his licensee, Mr. Malone began a multi-year patent infringement litigation campaign, incurring millions in legal fees but eventually winning at least \$31 million in a settlement.

Mr. Malone was a personally significant figure in the Independent Inventor movement in multiple respects. His story, as recounted in *Invalidated*, a film produced by the Tea Party Patriots that demonized recent patent reforms including especially the creation of post-grant review proceedings at the PTAB, became a “gateway story” for the movement, dramatizing the severity of the situation and winning adherents to the cause (Interview O384-4 at 34). As discussed in Chapter 5, he also played an instrumental role in the personal conversion of many aggrieved Independent Inventors into mobilized Inventor-Activists. After his eventual success in his battle against his accused patent infringer, he also played a massive role in assuring the continued organizational success of USI by funding it generously. The significance of Mr. Malone’s investment in USI is apparent from even the scant information available. USI’s annual contributions began to increase sharply after Mr. Malone won his settlement in 2019 and COVID ended, allowing for more organizational efforts. That money reportedly went to salaries, enabling further organizational growth and donor development.

More than a decade after its founding, USI is now a very real Independent Inventor Organization. It boasts more than thirteen thousand members. Its annual conferences attract hundreds of live members for community-building and lobbying. Its regular online meetings frequently include more than a hundred participants. And it engages in advocacy on behalf of Independent Inventors, both within and outside of institutional channels, on patent policy in the United States. It is an unusual organizational success, given Independent Inventors’ history of limited political contestation to date. As a former president of the United Inventors Association—the largest national organization for Independent Inventors in the United States—put it in a book for Independent Inventors, “big tech companies and their lobbyists . . . recognize the inventor community is under-funded, unorganized, naïve, and, as a collective interest group, highly dysfunctional” (Tuttle and Mangus 2021, 18). For more than ten years, USI has been trying to change that.

The organization has matured and professionalized, gaining resources, hiring employees and consultants, incorporating, and registering as a 501(c)(4) tax-exempt organization—an intentional difference from the UIA perceived to provide greater freedom to operate politically and donor confidentiality. In court filings, USI claimed to have grown from more than 5,000 members in 2016 to more than 13,000 members by 2018—nearing the 15,000 claimed by UIA in court documents of the same time period.

A regular organizational presence in Washington, DC was a “hook” for USI, relative to other Independent Inventor Organizations, because it provided access to the halls of power and the ability for Independent Inventors to engage in direct advocacy (Interview O223-1a at 393). A persistent presence in Washington marked USI as a stakeholder in national debates over patent policy. As one Inventor-Activist put it about the strategy: “US Inventor is going to need to have a permanent place and . . . footprint in DC to . . . keep them from clawing back . . . whatever else . . . we’re able to gain back” (Interview O384-3a at 134-136).

While it was building the DC presence of a stakeholder, USI’s strategy was based on contention, prominently including extra-institutional tactics. Use of protest was a key part of USI’s political logic: “It raises profile. It raises awareness. It tells – it raises membership. It tells the inventors where you go if you want help” (Interview O384-1a at 164-165). Co-Founder Adrian Pelkus told

me at a protest in Washington, DC that such outsider tactics were critical to achieve change (Field Notes). It was pressure from the streets, not in the halls of the legislative buildings that surrounded us, that Independent Inventors could use to generate change. As another Inventor-Activist put it, “If you don’t disrupt, you don’t get change—or you get the change that the most money buys and we don’t have any money” (Interview O384-1a at 209). Although acknowledging that not everyone shared this view, USI leadership thought that “it’s much more important to confront” (Interview O384-1a at 211).

No national Independent Inventor Organization other than USI had been willing to engage in this kind of pressure-based, “rough-and-tumble” politics. As one Key Informant put it mildly, USI’s “tactics don’t always align” with the other national Independent Inventor Organizations because they are “big on legislation ... and on advocacy” and USI can “push people kind of away from supporting [them] as far as other organizations go” at least publicly (Interview O384-4 at 58).

6.3.5 USI Still Has No Organizational Peers in Protest

Since USI was founded, national Independent Inventor Organizations with a more explicit focus on advocacy have proliferated, but none have adopted USI’s extrainstitutional protest tactics. Perhaps the most grassroots effort—certainly the one that my interviewees mentioned most frequently—was Inventors’ Groups of America (“IGA”), mentioned above. IGA was created by Stephen Key, a patent licensing expert discussed in more detail in the section on “Patent Skepticism” in Chapter 5, in 2017. He runs an invention promotion firm called inventRight that encourages Inventors to develop simple consumer products and try to license them to retailers (Key 2015). Three years after Independent Inventor leaders first came together in Washington, DC to oppose the Innovation Act (see Chapter 4), IGA hosted another event in 2018 bringing together some of those same leaders of the Independent Inventor community, and others, to talk about the state of patent policy.

USI’s novelty among national Independent Inventor Organizations was apparent in a pamphlet on patent reform that was generated at the IGA event and published in 2019 called *Patentable Repercussions*. I was given a copy by one of the participants at a protest against Darrell Issa’s nomination to be chairman of the House IP subcommittee in 2021. I cannot attest to how widely the pamphlet circulated or any influence it may have had. I have not been able to locate a copy for sale or in a library. But it is worth lingering over the passages on patent reform that it included, submitted by the three leading national Independent Inventor Organizations of the day. As a cultural product of those Independent Inventor Organizations, it reflected clearly USI’s uniqueness as a confrontational, patent-focused group.

The pamphlet contained stories of Independent Inventors’ adverse run-ins with the patent system and recent patent reforms and interviews with Independent Inventors who attended the event. It concluded with contributions on patent reform from IGA, UIA, and USI that can be directly compared.⁶⁰ A close reading of the passages that were submitted reveals, even in this ostensibly

⁶⁰ Inventor’s Project, Mr. Sauer’s organization, participated in the event but did not submit an organizational passage for the pamphlet.

shared political undertaking, striking differences between the organizations’ perspectives on patents (see Chapter 5) and organizational strategies.

The differences between these organizations can be taken as generally representative of the positions Inventor-Activists perceive each type of organization to take with respect to protest, as they include a for-profit Inventor support organization (IGA), a non-profit Inventor support organization (UIA), and an activist organization (USI). The three organizations’ different approaches are summarized in Table 3 below.

Organization	Primary Activity	Nonprofit Status	Conception of Inventors	Patent Perspective	Participation in Politics
Inventors Groups of America	Inventor Support	Ties to For-Profit	Improvers	Ambivalence	Minimal
United Inventors of America	Inventor Support	501(c)3	Heroes	Support	Institutional
U.S. Inventor	Advocacy	501(c)4	Heroes	Support	Institutional and Extraintitutional

Table 6.3.5.1. National Inventor Groups in Patentable Repercussions.

6.3.5.1 Inventors’ Groups of America

The first passage in the pamphlet was from event host IGA. Written by Mr. Key on behalf of IGA and his for-profit invention promotion firm inventRight, the passage presented a tone of detached interest—almost curiosity—in the patent system that reflected the conception of inventing and Inventors in his inventRight system. Mr. Key repeatedly distanced himself from the patent system, stating that he relied on a “friend” or “inventor activists like software engineer Paul Morinville” to inform him about the issues caused by recent patent reforms.

In a striking display of revisionism—and a preview of ego-centric conflicts between group leaders to come—Mr. Key asserted that he formed IGA so that there would be an organization to build on Mr. Morinville’s efforts. Ignoring USI—which, it bears repeating, participated in the event that generated the pamphlet and contributed a subsequent passage on patent reform to the pamphlet in which this passage appears—Mr. Key claimed priority over Mr. Morinville for the invention of an Independent Inventor Organization focused on advocacy:

I met Paul [Morinville] at a San Diego inventors group meeting a few years ago. He had been walking the halls of Congress alerting anyone who would listen about the effects of the AIA at that point. He had tried to collect signatures from inventors to support stronger patent rights, but there wasn’t a collective group representing their interests. That’s primarily why I co-founded Inventors Groups of America – to bring inventor group leaders together for the first time at the USPTO and on Capitol Hill.

Mr. Key's claim is erroneous in multiple respects. Relegating Mr. Morinville to "collecting signatures" and ignoring the organization-building work described above was a striking omission. His was not the first meeting of inventor group leaders in Washington.

Even while claiming—counterfactually—to have invented the national Independent Inventor advocacy organization, Mr. Key continued to distance himself in the passage from the patent issues to which it was ostensibly addressed. Shifting back to marketing mode, Mr. Key explained that the people coached in his for-profit system don't need to worry about patents:

By and large, students of my coaching program inventRight have not been affected [by patent reform]. That's because most of them have simple consumer products ideas. Using the 10-step strategy I developed, patents are not needed to license those kinds of ideas. I have also developed negotiating strategies for getting a licensee to pay for a non-provisional patent application to be filed in the inventor's name moving forward.

As discussed in more detail in Chapter 5, there's no reason for activism around a patent system in which you have no stake.

6.3.5.2 United Inventors Association

UIA submitted the second of the organizational passages on patent reform in *Patentable Repercussions*. It identified UIA as "a non-profit accredited 501C3 educational organization dedicated to providing resources to the inventing community, while encouraging honest and ethical business practices among industry service providers." That sentence vouched for UIA's charitable nature in multiple, redundant terms: UIA was positioned as a "non-profit accredited 501C3 educational organization" formally, "dedicated to providing resources to the inventing community" in spirit, and devoted to providing "free educational resources" on inventing and innovation in substance.

Written by Executive Director John Calvert, a PTO alumnus who thereby embodied UIA's institutional ties to the PTO, UIA's passage included a heroic account of the role played by Independent Inventors in the United States and a strong and detailed critique of the then-current state of patent law. It stopped short, however, of encouraging direct or extrainstitutional action by Independent Inventors.

Mr. Calvert's first section heading noted the existential nature of the threats Independent Inventors faced, asking "How Can the Average Inventor Survive Today?" To contextualize that question, he recounted a heroic tale with Independent Inventors, and their newfound perils, front-and-center. The first paragraph read:

Independent inventors have been the lifeblood of innovation since the first patent act in 1790. From the late 1700s through the 1900s independent inventors brought forth most of the cutting-edge technologies of their day. Today, many of the largest companies like Apple and Facebook started with a single patent issued to an independent inventor. However, today's patent laws and recent Supreme Court rulings have created a mine field that inventors must negotiate in order to successfully enter the world of commerce.

Gone were inventRight's and IGA's small improvements to commercial products that don't need to be patented. Instead, UIA posits Independent Inventors as technological heroes—who had been so successful until “today's patent laws and recent Supreme Court rulings” made their efforts to go from invention to innovation incrementally arduous.

In making the case for Independent Inventor heroes, Mr. Calvert explained that in attempting to deal with the “so called ‘patent troll’” problem, patent reform had empowered large companies at the expense of small ones, permitting industrial-scale “efficient infringement” by deep-pocketed corporations who could afford the cost of patent infringement litigation.

Independent inventors are quickly becoming victims of efficient infringers and have little ammunition to fight back. At one time this country looked to the individual inventor to come up with the next great advance in technology. Look no further than Bell, Edison, Tesla and Marconi to see the power of the individual inventor. We still have these great minds today, but the current patent landscape, with its new laws, rules, and court decisions, has presented a mine field for new and promising inventions.

Inventors are held up as heroes—core Independent Inventor archetypes are invoked—to characterize their plight as unjust. Independent Inventors, and by extension their society, are “victims” caught with their “new and promising inventions” in “a mine field” of patent reforms. And they are in a conflict with big companies—“efficient infringers”—against whom they “have little ammunition to fight back.” But while the UIA voiced a strong critique of the current patent laws, its passage did not advocate for anything other than vague legal reforms.

6.3.5.3 U.S. Inventor

The final organizational chapter in *Patentable Repercussions* was from USI President Randy Landreneau. A former president of the Tampa Bay Inventors' Council and Independent Inventor of a patented invention for an improved pet brush who ran “a product design and prototyping company,” Mr. Landreneau immediately set to making “The Case for Fighting to Restore the Rights of Inventors.” In his first heading, he called for confrontation (“Fighting”) and invoked a classic “master frame” by using the language of “rights” (D. A. Snow and Benford 1992). He began with advocacy—making a “Case” on behalf of Inventors.

Mr. Landreneau went straight for the gusto at the outset:

Can you think of anything important that wasn't invented in America? It's hard to do. America has overwhelmingly been the place where real innovation occurs. Our history of invention with luminaries like Thomas Edison and the Wright brothers is unmatched in the world. This didn't happen by accident. It was caused.

The techno-nationalist valorization of American Inventors was not subtle. “It's hard to,” he wrote hyperbolically, “think of anything important that wasn't invented in America.” At least not any “real innovation,” whatever that meant. “Our history of invention”—note his inclusive language, by contrast to that of IGA especially—featured archetypal heroes (in the language of Chapter 3) or in his words “luminaries like Thomas Edison and the Wright brothers.” Reiterating

the point about America's technological exceptionalism, he wrote that this history was "unmatched in the world." And then the teaser—a reference to the "cause[]" of American technological exceptionalism. Spoiler alert: It's the patent system.

Mr. Landreneau for USI lingered on the uniqueness of American archetypal inventors and the patent system that nurtured them. His mythical account heaped praise on both the individual heroes of American innovation and the American patent system, which he claimed was blind by design to social status and identity, including race, sex, and class. American innovation was democratic with a small "d." As Mr. Landreneau summarized America's unique role in the development of intellectual property, "Academics will argue that forms of intellectual property existed earlier, but it was America that allowed and encouraged the full participation of the common person, and this is what made all the difference." The patent system has been, on this account, "a key part of making America the economic powerhouse that it is."

Mr. Landreneau explained the large corporations pushing to weaken the patent system had "push[ed] the false narrative that frivolous patent litigation is rampant and good companies are being hurt by bad actors suing for patent infringement." Although he astutely did not use the term "patent troll,"⁶¹ that is clearly the "narrative" he had in mind—along with the "legislation and judicial decisions" it animated. As he summarized the severity of the threat: "A cornerstone of America and the American Dream has been almost entirely lost, and this has been due to the efforts of multinational corporations intent on stopping disruptive innovation."

Mr. Landreneau concluded with "good news." He was part of "a growing movement that is fighting to restore the rights of inventors." Mr. Landreneau and USI characterized their mobilization as a "movement." He returned to the idea of "fighting" for inventors' "rights." He identified patent-restoring "legislation" as a goal of his "movement." And he called for "support" in the "battle." He concluded with one last reminder of the stakes: "The restoration of inventors' rights is the most important cause of our time." Not peace, not inequality, not poverty—"[t]he restoration of inventors' rights is the most important cause of our time."

6.3.5.4 Recent Organizational Activity

The different strategies expressed by IGA, UIA, and USI in *Political Repercussions* manifested in those organizations' respective approaches since that pamphlet was drafted. IGA and the for-profit groups represented by Mr. Key have been largely absent from patent reform debates, except to criticize USI and Mr. Morinville on social media for being too contentious. Although the IGA website remains active as of this writing, it has not been updated since COVID, and monthly meetings apparently ceased around the same time. IGA's statements on the patent system reflected a profound ambivalence verging on skepticism that made it unlikely to engage in activism on patent policy—despite its purported conscientious concerns for the other Independent Inventors Mr. Key had learned about, who might need to worry about such things. As he put it in a 2022 op-ed: "Fundamentally, I believe inventors must take responsibility for

⁶¹ Even invoking a term to negate it can bring it to mind and is inadvisable messaging strategy (Lakoff et al. 2004).

their own financial success. It's all too easy to blame others for our failure, including the patent system" (Key 2022). IGA would rather Inventors look inward, rather than blaming the patent system or making new claims upon it.

UIA, however, has remained involved in patent discussions, but not in any extra-institutional capacity. Its organizational moderation is reflected in its participation as *amicus* in patent cases—joining USI in some, but not all, of USI's efforts. UIA has continued to pursue its primary mission of supporting inventors, especially in marketing the products at trade shows, and encouraging best practices in the management of Independent Inventor Organizations. This has involved some sharp exchanges between people with ties to the UIA and Mr. Key.

More than just not disposed toward activism, some members of the Independent Inventor community contend that the for-profit groups like Mr. Key's inventRight are disreputable scams. Most notable among such critics has been Warren Tuttle, formerly the president of the UIA. Although certainly not universal—many of my interviewees acknowledged a place for Mr. Key in serving Independent Inventors (e.g., Interview O178-3 at 44; Interview O223-1a at 98-100)—a vocal contingent of the Independent Inventors I interviewed and observed were opposed to all for-profit Independent Inventor Organizations in the strongest of terms, deriding the groups and their leaders as “psychotic liars and narcissists” who have “cult followings” to support their “pyramid scheme” (Interview O382-1 at 101-154). Mr. Tuttle and his allies have had confrontations with Mr. Key and his allies online as well as in-person disputes at Independent Inventor events. At the extremes, the two sides were “completely at war” (Interview O382-1 at 96).

This analysis shows that while the non-profit and for-profit national Independent Inventor Organizations are “at war” with one another, only USI was “fighting” large companies to protect Independent Inventors through direct action on patent policy. Only USI purported to represent a “movement” to protect American innovation. Only USI claimed that strengthening patents for Independent Inventors was the most important issue of the day. USI has been uniquely contentious among national Independent Inventor Organizations.

6.3.6 Still No Help from Local Independent Inventor Organizations

Once founded, USI attempted to mobilize local Independent Inventor Organizations to support its advocacy efforts and protests (Interview O384-1a at 185, 219). Yet USI hasn't been able to turn out the identifiable groups *en masse*. Instead, USI is still trying to figure out how to organize at a sub-national level (Interview O384-3b at 90). It is trying to build new organization at the local level from the “ground up ... instead of going downwards” in the hopes that will “help provide more activism” (Interview O384-4 at 48-50; see also Interview O384-3b at 90).

Generally, the local Independent Inventor Organizations did not directly endorse or affiliate with USI's protest actions. The Inventors Network of the Capital Area, an organization that frequently appears as a co-filer in litigation with USI, had some pictures from a protest on its website in one instance. But otherwise, the direct participation of local Independent Inventor Organizations has been rare. Some group leaders would relay USI messages to members (Interview O384-1a at

181) or connect their members with special grievances about the patent system to USI (Interview O384-3a at 50). The local organizations provided destinations for an annual messaging tour by USI (Interview O384-4 at 48; O384-5 at 97-114) but not much more.

The San Diego Inventors Forum was a notable exception. To my knowledge, it was the lone local Independent Inventor Organization that participated openly in protests. That group is unique in at least three key respects, however. First, the local San Diego group was founded by USI co-founder Adrian Pelkus, who was as fired-up an Inventor-Activist as one can be. He was not inhibited by an exaggerated concern about IRS nonprofit regulations from passing on information to his local group about issues in the patent system and did so regularly. Second, San Diego was also the home of Darrell Issa. The local organization was thus co-located with one of USI's chief institutional antagonists and a prime site for protest when Mr. Issa was up for reelection in a region known to be a hotbed of conservative activism historically (see Chapter 4). Third, the San Diego group was enormous by local Independent Inventor Organization standards, at one time including more than 1,500 members. It therefore provided a uniquely large base from which to draw potential Inventor-Activists.

Other than the direct participation of the San Diego Inventors' Forum and the tacit endorsement of the pictures on the Inventors Network of the Capital Area website, I found no other local Independent Inventor Organization that participated directly in any of USI's protests. Members of other groups attended and participated, but not on behalf of the organizations of which they were members. Indeed, some protest participants from local Independent Inventor Organizations that I met while observing protests declined to be interviewed, despite assurances of confidentiality, because they didn't want to risk their actions being attributed to their local organizations. Sometimes, such as at a San Jose rally I observed, there was no local group present at a protest at all.

Another more generous measure of local Independent Inventor Organizations' willingness to engage in advocacy on patent policy, other than participation in protest, was their willingness to co-sign actions by USI like litigation or amicus briefs. One interviewee suggested quite clearly that they did not oppose their organization co-signing a legal filing with USI because there was no risk to the organization in doing so, but they didn't want their group to be affiliated with anything like a patent-burning protest (Interview O223-3).⁶² Yet even that participation was exceptional. Independent Inventor Organizations have only rarely participated in litigation. Of the 368 Independent Inventor Organizations I identified, roughly a sixth (65) have participated as co-amici with USI, 58 of which were local groups. Yet the high rate of participation in the *Oil States* case artificially inflates that number. *Oil States* involved a direct challenge to the PTAB's constitutionality, so it drew attention of Inventor groups and a range of Conservative Movement actors eager to strike a blow against the administrative state (more on this below).

Only five local Independent Inventor Organizations have co-signed a USI brief more than five times: the two groups that also participated in protests (San Diego Inventors Forum and

⁶² This was one of the points at which I worried about mistakes of law among my subjects. In the particular circumstances of their case, the chance that their organization faced an adverse consequence for their litigation behavior was small but not zero.

Inventors Network of the Capital Area) along with three other local groups (Inventors Association of Arizona, Inventors Network of Minnesota, Tampa Bay Inventors Council). Regular involvement in patent policy was exceptional among local Independent Inventor Organizations. My research suggests that engaging in patent policy or any other policy is anathema to most local Independent Inventor Organizations.

Tensions between the national groups are partly to blame for the difficulty, still today, in mobilizing local Independent Inventor Organizations. The Tuttle-Key split at the national level spawned a “schism”: “wars” and “battle” at the local level around whether Independent Inventor Organizations needed to be nonprofit and have written bylaws to be legitimate (Interview O223-1a at 118-120; Interview O382-1 at 103). One who worked on the effort reported shock at how few groups were genuine 501(c)(3)’s (Interview O223-1a at 88-90). One leader of a local Independent Inventor Organization found the entire conflict distasteful, including especially Warren Tuttle, who they found “just very aggressive and turns people off” – “nasty” even (Interview O178-3 at 44). Their organization tried to stay apolitical not just as a matter of policy, but as a preference—the leader couldn’t abide the conflict the national groups had fostered. It is hard to turn a group into a collective actor when it is so internally divided.

6.3.7 External Organizations: Specialized Media, Academic Support, and Tea Party Allies

Although local Independent Inventor Organizations proved to be of limited utility in mobilizing potential Inventor-Activists, the activists did have some resources from outside of the Independent Inventor community that helped their mobilization efforts significantly. Specifically, specialized IP media, supportive academics and conservative legal organizations, and—most importantly—supporters in the Tea Party helped USI generate attention and motivate potential Inventor-Activists.

One resource for Inventor-Activists was a specialized online media provider, IPWatchdog, that frequently disseminated articles by USI. With an estimated readership of more than a million unique views annually, IPWatchdog has a reach far beyond most parts of the legal press devoted to IP issues. Randy Landreneau posted on the site about his initial efforts to organize Independent Inventors in IIA (Landreneau 2014). As a regular columnist for IPWatchdog during the early days of USI’s mobilization efforts, Mr. Morinville published dozens of articles, including pieces describing the Inventor-Activists’ protests and the motivations for them.

Less overtly connected to USI, but no less important to its efforts, was a cadre of pro-patent academics on whom USI could rely for intellectual support. One prominent member of this community was Adam Mossoff, of the Antonin Scalia School of Law at George Mason University. Prof. Mossoff has written extensively about the importance of patent rights and their historical pedigree in the United States. USI has cited his work in briefs (see, e.g., *amicus* brief in *Trading Techs.*), invited him to speak at their annual conference and regular meetings, and featured him in the movies about patent policy produced with the Tea Party. With others like Zorina Khan, cited in *Patentable Repercussions* by Mr. Morinville, USI has relied on the pro-patent academy for research to support their policy positions.

USI has also had support from the Conservative Legal Movement in some of its litigation, especially when challenging the PTAB—and by extension, the administrative state. Independent Inventors are an ideal archetype for conservative causes in several ways, such as by representing the proverbial self-sufficient David against a Big Tech Goliath, by defending strong conceptions of property rights in patents, or by highlighting the capriciousness of the administrative state. For example, in *Oil States*, the case challenging the constitutionality of the PTAB at the oral argument for which USI staged a protest, USI was joined as amicus by the Eagle Forum Education & Legal Defense Fund, the Cato Institute, and the American Conservative Union Foundation, in addition to industry players like PhRMA.

By far the most important ally for the Inventor-Activists, however, has been the Tea Party. One way the Tea Party helped Inventor-Activists' mobilization was by serving as a sort of movement "halfway house," only partially integrated to the mainstream of American politics, where Inventor-Activists could raise awareness of their issues, build support among political allies, and learn how to engage in activism (A. D. Morris 1986). Although local Independent Inventor Organizations were prominent among USI's earliest organizational targets, local Tea Party groups were also receptive audiences (Interview O384-1a at 181, 319). Mr. Morinville has toured those groups repeatedly. Their strong support for property rights made many Tea Party adherents willing "conscience constituents" of the Inventor-Activists' movement (McCarthy and Zald 1977). Both Mr. Morinville and Mr. Malone have supported Tea Party causes as well, such as Mr. Morinville's rinoreckoning.org that was supported by an organization to which Mr. Malone donated—which helped oust from Congress what they branded as "Republicans in Name Only" Van Taylor and Peter Meijer (Svitek 2022).

The second, higher-profile way in which the Tea Party assisted the Inventor-Activists is by producing polemical films in support of USI's positions. The largest Tea Party group in the United States, Tea Party Patriots, has produced two such films in collaboration with USI and conservative filmmaker Luke Livingston. The first, *Invalidated*, focused on the experience of inventor Josh Malone with the patent system. It especially faulted the PTAB and the administrative state it represented. Played at meetings of local Independent Inventor Organizations and Tea Party groups, one Key Informant estimated the film had been USI's single most effective recruiting tool (Interview O384-4 at 32). A subsequent film, *Innovation Race*, focused on the ways in which weakening the U.S. patent system would advantage China. Although it, too, has been used as a recruiting tool, it is too new for my subjects to have been able to characterize its effectiveness or lack thereof.⁶³ The film, however, serves the interests of the Independent Inventors and the Tea Party Patriots, advocating for strong property rights in patents and a weakened administrative state.

⁶³ It is worth noting that the Tea Party affiliation is not an unqualified benefit. Just as USI's tactics have pushed some away, so too has its politics. As a result, USI has attempted to build connections with, for example, Rep. Marcy Kaptur (D-OH), who has co-sponsored RALIA and other favored legislation.

6.4 Conclusion

Inventor-Activists needed to build a new organization to launch their extrainstitutional movement in 2015. As Mr. Morinville recognized, they needed an organization to be effective in Congress—to gain standing in the institution where patent law is made. Even a mythical organization had access to political power that a real individual did not.

It is true that USI is unique. Although Independent Inventor Organizations in the United States comprise a dense organizational field, they have very weak organizational capacity and no appetite for contention. Local groups are small, unorganized, and unfocused on patents and patent policy. The legal field constrains their activities, with worries about tax-deductible donations inhibiting advocacy. Even national groups, other than USI, often have conflicting perspectives on the patent system or the best way to work to change it.

That the organizational field for Independent Inventors has evolved in this way suggests there's some merit to the old industrial way of thinking about social movement organizations (McCarthy and Zald 1977). USI was a SMO. It offered something different in the space of Inventor organizations than the other existing groups. From its success at attracting members and donors, it appears as though there had been unmet demand for such an approach.

That demand was not uniform however. Different groups have different perspectives on the patent system and the role Inventors should play in society. USI still struggles to recruit organizational allies within the Independent Inventor Community, especially as it continues to cast all reforms other than its wishlist legislation as threats rather than incremental progress.

USI and Inventor-Activists did succeed, however, in winning external allies—especially among the Tea Party and Conservative Movements. This relationship appears mutually desired and beneficial. USI leaders like Paul Morinville and Josh Malone have ardently supported such causes, while the TPP has used the plight of Independent Inventors before the PTAB to dramatize the purported evils of the administrative state. The attention has helped USI grow.

Inventor-Activists' key challenge going forward is sustaining the organization at the national level and building organization at the local level. Although there is some reason for optimism, there is also reason for concern. There is increased competition from new advocacy organizations formed by industry elites and by Mr. Morinville, who was recently forced out of USI in a management dispute. Whether the Inventor-Activists can maintain organization in the face of these challenges is likely to significantly affect whether they can have any impact on patent policy—or whether this effort to organize Independent Inventors will fail like previous such attempts.

Chapter 7

Conclusion

This project was chiefly motivated by two empirical questions about the emergence of the Inventor-Activists' protest campaign that piqued my curiosity as a patent litigator and a scholar of law and Social Movements. Why did the Inventor-Activists' protest campaign emerge in 2015? And what explains the differential recruitment of Independent Inventors to the movement? In other words, why then and why them?

Chapters 3 and 4 addressed the timing question. Chapter 3 addressed the cultural context in which Independent Inventors operated. "Inventor" remains a high-status category linked, however imperfectly, with the title of inventor on U.S. Patents. But Independent Inventors have increasingly been squeezed out of the share of granted U.S. patents as the PTO has issued more patents to corporations and foreign interests. This not only means it is harder for Independent Inventors to claim the status of "Inventor," but also that the title is increasingly associated with corporate or foreign inventors rather than the heroic Inventors with virtuous traits that the Inventor-Activists purport to embody.

Chapter 4 found that this long-term trend favoring patent reform came to a head around 2015 with the Innovation Act. The concrete threat from that bill—with its political, economic, and cultural dimensions—was sufficient to get some early Inventor-Activists to mobilize. It also aligned with simmering conservative sentiment. The Inventor-Activists tapped into the same long-term trends as the Tea Party, with a specific patent catalyst. Both groups were upset at the erosion of Independent Inventors' status in favor of the corporate and foreign Inventors who were obtaining an increasing share of their patents. The Inventor-Activists' anger boiled over when the Innovation Act neared passage. Their mobilization efforts took hold because some Inventor-Activists decided to innovate organizationally as well.

That they needed to innovate organizationally helps explain the Inventor-Activists' differential recruitment of Independent Inventors to activism. Chapters 5 and 6 explain why only some Independent Inventors have joined the fight. Chapter 5 dealt with individuals. Only some Independent Inventors were sufficiently invested in their projects and the patent system, and were aggrieved by their treatment by that system, to form a pool of potential activists. Aggrieved Inventors with ties to U.S. Inventor can convert their adverse experiences with the patent system into action, if they connect with the group, but Inventor's paranoia and the precarious middle-class location of most Independent Inventors will make that transition difficult.

Chapter 6 found that Inventor-Activists needed to build a new organization to engage in advocacy because no existing groups at the local or national levels in 2015 were willing or able to fight. Whether they can sustain their organization through ongoing transitions will be a big test for the movement. Several new Independent Inventor Organizations have formed recently, including groups led by industry insiders as well as groups led by activists like Mr. Morinville. The organizational field for Independent Inventors is continuing to evolve and with it the patterns of contentions in the field.

This study makes clear that the characteristics of the field are related to the timing of mobilization. In other words, the “when” and “who” questions are related with respect to the Inventor-Activists’ mobilization. There was no sustained mobilization of Independent Inventors without organization—no group that was able to act when faced with reforms before the Innovation Act. Once a group that was willing to engage in the “rough-and-tumble” of policymaking had been formed, however, they were able to seize on emerging political phenomena like concerns about China or a desire to Make America Great Again.

The Inventor-Activists’ impact remains to be determined. They have claimed victories in stopping threatening patent legislation, but organizational gridlock is the norm in Congress these days (Hacker et al. 2022b). Their preferred bill, RALIA, appears to have no chance of passage. And they have opposed all incremental reform legislation that has been proposed—even if it ostensibly addresses some of the Inventor-Activists’ grievances. They’re burning credibility by refusing to take a win, something that they were told in no uncertain terms at an Annual Conference I observed.

More generally, this project confirms the importance of thick case studies in generating theory for Social Movement research, especially for young movements. It is only by observing the interplay between the cultural and political context with organizations and individuals that we can acquire a robust picture of such a movement’s emergence.

That returns us to a question bracketed in the Introduction: Is the Inventor-Activists’ campaign a Social Movement? I think so. They have engaged in a sustained pattern of contention seeking change in the patent system using frequently extra-institutional means. This certainly meets the capacious definition of Social Movements common in the literature (D. A. Snow et al. 2004).

To the extent that answer needs qualification, that is because the Independent Inventor’s movement is focused on their parochial concerns about patent policy. It is not a mass movement that seeks to refigure significant portions of society. Yet my findings suggest that the Inventor-Activists were part of or related to a broader Conservative Movement like the Tea Party. The Inventor-Activists’ concerns about globalization, capital concentration by Big Tech companies, and the dwindling opportunities for the American middle class derived from the same structural factors that animated the Tea Party and darker Right-Wing movements like the Ku Klux Klan or the White Nationalists in Charlottesville.

Is it fair to characterize the Inventor-Activists as a Conservative Movement? That answer is a clearer yes. Not every Inventor-Activist was conservative politically, to be sure. But the libertarian politics of U.S. Inventor founders Paul Morinville and Adrian Pelkus, and later leaders Josh Malone and Randy Landreneau have been abundantly clear in the films produced by the Tea Party Patriots starring U.S. Inventor leadership and more broadly.

To be more specific, the Inventor-Activists constitute a reactionary conservative movement much like the Tea Party. Parker and Barreto’s (2013) work on the Tea Party argues compellingly that the Tea Party is distinct from other rightist groups because it includes not just conservative policy positions or racial animus—although those are definitely present—but a yearning for a bygone era of American greatness.

Although their work precedes the phenomenon, Parker and Barreto's work on the Tea Party anticipates the nostalgic activism that animated the Trump campaigns' calls to "Make America Great Again." That sentiment referred to some undefined bygone era of American greatness that needed to be restored. It was reactionary more than it was ideological. The Inventor-Activists seized on this rhetoric straightaway. The protesters carrying signs in San Diego and Washington, DC echoed this sentiment, calling to "Make Patents Great Again." They even knew that we could "Make America Great Again With Strong Patents." The Inventor-Activists yearned to rollback the patent system to a mythological starting point that they located around the founding but which, as we saw in Chapter 2, was probably around 1836.

I still think "Conservative" is the correct characterization for the Inventor-Activists, rather than Contemporary Conservative Movement or "Right-Wing." They are not totally integrated into Republican politics in a way that would permit them to be characterized as part of the contemporary coalition. Although they have worked with political consultants, U.S. Inventor is still more closely associated with the Tea Party and libertarian elements. Rep. Thomas Massie is their champion, noted for his independence even in the face of the Trump Administrations vice-like grip on congressional republicans. But they also work with willing legislators. Democrat Marcy Kaptur of Ohio, for example, has supported some of the Inventor-Activists' legislative priorities (and been rewarded with a fundraiser for doing so).

The Inventor-Activists were closer than I expected to Right-Wing movements, though. Inventor-Activists share traits—like individualism and nationalism—that are fundamental to conservative ideology (Carlson 2023; Filindra 2023; Hofstadter and Wilentz 2008; P. E. Johnson 2022). Their reactionary nostalgia is similarly common among such groups. And there were some signs of darker politics. Multiple interview subjects expressed xenophobia. Some interview subjects reported or expressed sexism. I observed anti-Black racism and anti-Semitic conspiracism in the informal interactions of group members. I cannot compare Inventors to other groups with respect to the prevalence of such things, but they were shockingly frequent to me. Nevertheless, USI and the other Independent Inventor groups espouse a neutral politics and claim inclusiveness; USI invites the Museum of Black Inventors to its annual conferences, it has had a black woman keynote speaker, and it has reached out to other underrepresented groups like veterans. That's not Right-Wing in the way the literature uses that term to refer to overtly racist or violent groups.

Quite the opposite. Inventor-Activists want the status of Inventor, especially as conferred by a U.S. patent, to be available to all Americans. And they want Inventors to be taken care of by American society.

Does the study support a general theory of social movements? That answer is less clear, because the Inventor-Activist mobilization tracked McVeigh's theory of Conservative Movement mobilization so closely, with Inventor-Activists turning to protest when the power they could use in institutional channels was threatened by pending patent legislation.

In any case, the increase in contention should be a concern for patent politics. There is value in public civic participation and advocacy for causes. This is especially true for Independent Inventors, whose origin story is central in the legitimating logic of the patent system despite its

mythical nature (Lemley 2012; Silbey 2008, 2014). But stakeholders need to manage populist influence on patent policy carefully. While it may be true that the technocratic and insular nature of patent policymaking has precluded robust examination of the role patents play in American society (Parthasarathy 2017), it is not clear that simply by opening up the space to more contention we will get better policy. We don't want every patent law controversy to become a contested, polarized issue. After all, as the Inventor-Activists claim, we all have a stake in the outcome of the patent policy debates in today's knowledge economy.

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Appendix A

Methodological Appendix

My two deepest areas of expertise are social movements, especially conservative and counter-movements, and patents. I began my graduate school career continuing my undergraduate study of conservative counter-mobilization against gay rights, before completing my J.D. and entering law practice in 2007. In 2016, I left my practice, which had consisted primarily of patent litigation, to resume my study of law and social movements. The Inventor-Activists' incipient mobilization caught my attention, as it unified those strands of my expertise and experience. Overtly conservative people advocating patent maximalism with demonstrative protests piqued my curiosity.

It being a niche and incipient mobilization, though, the Inventor-Activists' movement posed difficulties as a research subject. I didn't know if it was going to last very long and it was hard to find information about it aside from a few scattered media reports and social media posts. After beginning my field work, for example, I learned that the organizational landscape for Independent Inventors was much less robust than the number of Independent Inventor Organizations suggested—there was more organizational density than organizational capacity, in the language of Chapter 6. This led me to expand the study to other units of analysis and attempt triangulation in this theory-generating case study. In this Appendix, I offer additional detail on my field work, digital and physical, in this multi-year, multi-method research project.

Identifying and Sampling Independent Inventor Organizations

The principal subject of the project is the network of American Independent Inventor Organizations. As multiple commentators have noted, Independent Inventors have long been an active but dysfunctional constituency (Hintz 2019, 2021a; Tuttle and Mangus 2021). To identify Independent Inventor Organizations, I began by constructing a sampling frame of as many Inventor civil society organizations at the national and local levels as I could identify.

I used multiple sources to identify U.S. Independent Inventor Organizations as explained in the body of Chapter 6. Specifically, those sources were (dates of coverage):

- Lists of Independent Inventor Organizations from third parties
 - *Inventors' Digest* magazine (August 2014 – July 2016)
 - PTO *InventEye* newsletter (dynamic map, last collected 2021 using Wayback Machine)
 - Miscellaneous Inventor websites
 - www.freeinventorshelp.com/organizations.html
 - <https://inventleader.org/inventor-groups/>
 - <https://uiausa.org/inventor-resources/>
 - nationalinventors.com/content/inventor-organizations-and-clubs
 - <http://www.inventorfraud.com/inventorgroups.aspx>
 - <http://www.ibiblio.org/patents/txt/invent.txt>
 - http://www.riordanco.com/links_inventor_organizations.htm

- http://store.inventorprise.com/content_organizations.php
- <https://www.inc.com/articles/2002/06/24283.html>
- <http://inventorsblackbook.com/Inventor-Education/Inventors-Groups/>
- <http://www.inventored.org/InvAssociationsList/>
- <https://inventiveideas.com/carrie-jeske-reviews-inventor-clubs/>
- <http://www.inventorhome.com/clubs.asp>
- Encyclopedias of Organizations (2009-2018)—organizations that had “invent*” but not “inventory” in their “Entity Field”
 - Gale Publishing sources:
 - *Encyclopedia of Associations: National Organizations of the U.S.*
 - *Encyclopedia of Associations: Regional State and Local Organizations*
 - *Directory of Nonprofit Organizations*
- IRS Non-Profit search for “invent” in the “Organization Name” field for available dates
- Google Search: “inventor organization”

My combined searches yielded 368 unique inventor organizations in the United States that operate, or were reported to operate, after roughly 2010 and before roughly 2020. This is consistent with other studies of Independent Inventors that have noted dozens to hundreds of such groups (Hintz 2019; P. Whalley 1992a; Peter Whalley 1991).

As mentioned in the body, identifying Independent Inventor Organizations was not straightforward. Many organizations had changed their names, their websites or social media, and even their focus. To the extent there was an ambiguity in an organization’s identity, as whether an organization changed its name or became a substantively new organization, I erred on the side of including both names as separate entries. For example, the National Inventor Club grew out of the Long Island Inventors & Entrepreneurs Club, but I have retained both organizations in my list.

Some “organizations” likely were no more than a couple of people who met once or twice. Multiple interviewees who attempted to reach or organize local Independent Inventor Organization concurred about their vague, ephemeral presences (Interview O223-1a at 330; Interview O384-1a at 185). Whalley found similarly when he surveyed Inventor Organizations (1992a; 1991). This was an especially acute problem for my project given the COVID-19 pandemic, which occurred during my field work. It significantly limited organizational activity (Interview O382-1 at 44; Interview O384-2 at 82-84; Interview O384-3a at 84; Interview O223-1a at 88; Interview O178-3 at 58). Many Independent Inventor Organizations did not resume activities after the pandemic, although I cannot quantify that number.

I originally set out to exclude any organizations with ties to for-profit businesses, but that proved impossible. Even organizations that appeared to be local civil society organizations were sometimes connected to for-profit interests, and such connections were not always disclosed. I learned later that one organization in my sample that did not participate, for example, was run by someone with ties to a network of invention coaches. I discuss the varied interests of such

organizations in Chapter 6 on Organizations. The lack of an authoritative guide to reputable Independent Inventor Organizations has been the subject of much attention in the community and by regulators.

Ultimately, I identified 368 Independent Inventor Organizations in the United States operating around the time the Inventor-Activists began protesting. A full list, with their territorial aspirations as far as I have been able to determine them and their state of organization is below.

Name	Scope	State
21st Century Inventors Inc.	Unknown	MO
Academy for Entrepreneurs & Inventors Opportunities Unlimited	Local	FL
Affiliated Inventors Foundation	Unknown	CO
Akron Inventors' Club	Local	OH
Alabama Inventors Association	Local	AL
Alabama Inventors Clubs	Local	AL
Alamo Inventors	Local	TX
The Entrepreneurs and Mentors Network Inc.	Local	AK
Albuquerque Inventors' Club	Local	NM
Alliance for American Innovation	National	DC
Alliance of US Startups and Inventors for Jobs	National	DC
Amarillo Inventors' Association	Local	TX
American Association of Inventors	National	MI
American Inventor Network	Local	CA
American Society of Inventors	National	PA
Appalachian Inventors Group	Local	TN
Arkansas Inventors Congress, Inc.	Local	AR
Arkansas Inventors Network	Local	AR
Aspiring Inventors Club	Local	CT
Asociacion de Inventores de Puerto Rico	Local	PR
Association for Science, Technology & Innovation	Unknown	VA
The Inventors and Entrepreneurs Association at Auburn University	Local	AL
Inventopreneurs	Local	TX
Bird Aviation Museum and Invention Center Inc.	Local	ID
Black Hawk Hills Entrepreneur & Inventor Club	Local	IL
Black Inventors Gallery Inc.	National	WI

Name	Scope	State
Blessings Invention Community Services	Local	IL
Blue Mountain Community College Inventors Group	Local	OR
Blue Ridge Inventor's Club	Local	VA
Blue Sky Inventors	Local	MT
California Invention Convention	Local	CA
California Inventor's Council	Local	CA
California Inventors Hall of Fame Foundation Inc.	Local	CA
Canton Inventors Association	Local	OH
Cape Cod Inventors Association	Local	MA
Hatched: Capital District Inventors and Entrepreneurs Meetup	Local	NY
Carefree Innovators	Local	AZ
Carolina Inventors Council	Local	SC
Center for Creativity & Invention Inc.	Unknown	OH
Center Inventions & Achievements of Persons of African Ancestry Inc.	Unknown	NY
Central California Innovators	Local	CA
Central Florida Inventors Club	Local	FL
Central Kentucky Inventors & Entrepreneurs	Local	KY
Central Kentucky Inventors Council	Local	KY
Central Oregon Inventors Group	Local	OR
Central Pennsylvania Inventors Association	Local	PA
Central Valley Inventor's Association	Local	CA
Central Wisconsin Inventors Association	Local	WI
Chicago High Tech Association	Local	IL
Chicago Inventors Organization	Local	IL
Christian Inventors Association	Local	CT
Columbus Inventors Association	Local	OH
Confederacy of Mississippi Inventors	Local	MS
Connecticut Invention Convention	Local	CT
Contra Costa Inventors Club	Local	CA
Creative Juices Inventors Society	Local	ID
Danbury Inventors Group	Local	CT
Delaware Entrepreneurs Forum	Local	DE

Name	Scope	State
Design Inventers [sic] Society	Unknown	CO
Drake University Inventor Program	Local	IA
Early Stage East	Local	DE
East Idaho Inventors Forum	Local	ID
Edison Inventors Association	Local	FL
Educators Efforts in Inventing Patents Inc.	Unknown	NJ
Emerald Coast Inventors Society	Local	FL
Emmy Genius Inventions Corporation	Unknown	CA
Essential Inventions Inc.	National	DC
Finger Lakes Invention Convention Inc	Local	NY
Fort Wayne Inventors Club	Local	IN
Future Black and Brown Inventors & Innovators	Unknown	NC
Gala Inventors Group	Local	AL
Gartman Invention Foundation	Unknown	DE
Georgia Inventors Network	Local	GA
Globeinvent Inc.	International	MD
Grand Rapids Inventors Network	Local	MI
Greater Boston Inventors Association	Local	MA
Hawaii International Inventors Association Inc.	Local	HI
Hawaii Inventors Club	Local	HI
Houston Inventors Association	Local	TX
I Cubed Inventions Inc.	Local	ID
Idea to Market Network	Local	CA
Illinois Innovators & Inventors	Local	IL
Illinois Invents	Local	IL
Impact Through Invention Inc.	Unknown	TX
Independent Inventors Foundation	Local	VA
Indiana Inventors Association	Local	IN
Innovation Alliance	Local	OH
Innovative Minds of Wisconsin	Local	WI
Innovators Guild	Local	CT
Innovators Resource Network	Local	MA
Innovators Resource Network of Central New York	Local	NY

Name	Scope	State
Institute of Black Invention & Technology Inc.	National	MO
Institute of Inventors & Designers	Unknown	NY
Intermountain Society of Inventors & Designers	Local	UT
International Association of Professional Inventors	International	IN
International Society of Product Design Engineers/Entrepreneurs	International	LA
Invent Alabama	Local	AL
Invent America!	Unknown	VA
Invent for Change Foundation	Unknown	DE
Invent for Life Inc.	Unknown	CA
Invent Idaho Inc.	Local	ID
Invent Minnesota	Local	MN
Invent Now Inc.	Local	OH
Invent the Future Inc.	Unknown	CA
Invent the Summer Inc.	Local	CT
Invent Vermont	Local	VT
Invent Washington	Local	WA
Invent Your World Inc.	Local	WI
Invent-A-Bot Learning Center	Local	CA
Invent2026 Nfp Inc.	Local	IL
Inventank	International	LA
Inventing Workshop	Local	MO
Invention Accelerator Workshop	Local	CA
Invention Development Society	Local	OK
Invention Works	Unknown	WA
Inventions Association	Local	IL
Inventions for Good Inc.	National	NC
Inventium Inc.	Local	AZ
Inventiv Foundation	National	NV
Inventive Edge Foundation Of	Unknown	VA
Inventive Ideas Inc.	National	NV
InventNet	National	

Name	Scope	State
Inventor Forge	Local	MO
Inventor Springboard	Local	CA
InventorEd Inc.	Local	MI
Inventors & Entrepreneurs Association of South Carolina	Local	SC
Inventors & Entrepreneurs Club of Kenosha & Racine	Local	WI
Inventors & Entrepreneurs Club of Queens	Local	NY
Inventors & Entrepreneurs of Suffolk County	Local	NY
Inventors Alliance	Local	CA
Inventors Alliance of America - Buffalo Chapter	Local	NY
Inventors Alliance of America - Rochester Chapter	Local	NY
Inventors Alliance of Northern California	Local	CA
Inventors and Entrepreneurs Club of Juneau County	Local	WI
Inventors and Entrepreneurs Society	Local	IN
Inventors and Technology Transfer Society	Local	MN
Inventors Assistance League	Local	CA
Inventors Association of America	National	MD
Inventors Association of Arizona	Local	AZ
Inventors Association of Austin	Local	TX
Inventors Association of Connecticut	Local	CT
Inventors Association of Georgia	Local	GA
Inventors Association of Idaho	Local	ID
Inventors Association of Manhattan	Local	NY
Inventors Association of Metropolitan Detroit	Local	MI
Invent New England	Local	MA
InventKansas	Local	KS
Inventors Association of St. Louis	Local	MO
Inventors Association of Washington	Local	WA
Inventors Club	Local	OH
Inventors Club Makerspace Inc.	Local	GA
Inventors Club of America	Unknown	MA
Inventors Club of Cincinnati	Local	OH
Inventors Club of Kansas City	Local	MO
Inventors Club of Michigan	Local	MI
Inventors Club of NE Arkansas	Local	AR

Name	Scope	State
Inventors Connection of Greater Cleveland	Local	OH
Inventors Council	Local	IL
Inventors Council - Pittsburgh	Local	PA
Inventors Council - Wabash	Local	IN
Inventors Council of California	Local	CA
Inventors Council of Central Florida	Local	FL
Inventors Council of Cincinnati	Local	OH
Inventors Council of Dayton	Local	OH
Inventors Council of Greater Lorain	Local	OH
Inventors Council of Hawaii	Local	HI
Inventors Council of Michigan	Local	MI
Inventors Council of Mid-Michigan	Local	MI
Inventors Council of Ohio Inc.	Local	OH
Inventors Developers Entrepreneurs Artists Scientists Institute	Local	CA
Inventors Educational Foundation Inc.	Unknown	FL
Inventors Forum - Orange County	Local	CA
Inventors Forum - San Diego	Local	CA
Inventors Group of Oregon at Umpqua College	Local	OR
Inventors Groups of America	National	CA
Inventors Guild of Arkansas Inc.	Local	AR
Inventors Innovators Ideas Inc.	Local	IA
Inventors Institute of Alaska	Local	AK
Inventors League	Local	PA
Inventors Network	Local	WA
Inventors Network (Columbus)	Local	OH
Inventors Network Kentucky	Local	KY
Inventors Network of Greater Akron	Local	OH
Inventors Network of Minnesota	Local	MN
Inventors Network of the Capital Area	Local	DC
Inventors Network of the Carolinas	Local	NC
Inventors Network of Vermont	Local	VT
Inventors Network of Wisconsin	Local	WI
Inventors North West	Local	OR

Name	Scope	State
Inventors of California	Local	CA
Inventors Resource Center	Local	CA
Inventors Society at the University of Virginia	Local	VA
Inventors Society of South Florida	Local	FL
Inventors Society of Southern Nevada	Local	NV
Inventors Society of Washington	Local	WA
Inventors Society of Western New York	Local	NY
Inventors Space Inc.	Unknown	TX
Inventors Talent Support	Local	CA
Inventors Without Borders Inc.	Unknown	TX
Inventors Workshop International Education Fund	National	CA
Inventors' Mastermind SoCal	Local	CA
Inventors' Roundtable	Local	MA
Inventorspacexyz	Local	TX
Inventrepreneur Me	National	MI
Inventsucces	National	OR; WA
Inventure Innovation Training Center	Local	MI
INVINT: Innovation Viability Network	Local	IL
Iowa Inventors Congress	Local	IA
Iowa Inventors Group	Local	IA
Jackson Inventors Network	Local	MI
Jersey Shore Inventors Club	Local	NJ
Jersey Shore Inventors Group	Local	NJ
Kansas Association of Inventors	Local	KS
Kearney Inventors Association	Local	NE
Korean-American Invention Promotion	National	CA
Korean-American Inventors	National	CA
Lansing Inventors Network	Local	MI
Lansing Makers Network	Local	MI
Laredo Inventors Association	Local	TX
League of Young Inventors Inc.	Unknown	NY
Lincoln Inventors Association	Local	NE
Long Island Inventors & Entrepreneurs Club	Local	NY

Name	Scope	State
Louisiana Inventors Association	Local	LA
Louisville Metro Inventors Council	Local	KY
Michigan Inventors Coalition	Local	MI
Micro-Inventors Program of Oregon	Local	OR
Mid South Inventors Association	Local	TN
Mid-Michigan Inventors Group	Local	MI
Midwest (Minnesota) Inventors Society	Local	MN
Midwest Inventors Group	Local	WI
Minnesota Inventors Congress	Local	MN
Minnesota Inventors Hall of Fame	Local	MN
Mississippi Inventors Workshop	Local	MS
Mississippi Society of Scientists and Inventors	Local	MS
Mobile Invention Academy	Unknown	TX
Modern Black Inventors Fund	Unknown	NY
Montana Inventors Association	Local	MT
Mother of Invention Inc.	Unknown	NY
Museum of Black Inventors	National	MO
Music City Inventors	Local	TN
Muskegon Inventors Network	Local	MI
National Academy of Inventors	National	FL
Venturewell	National	MA
National Congress of Inventor Organizations	National	CA
National Inventive Thinking Association	National	TX
National Inventors Cooperative Association	National	CO
National Inventors Foundation	National	CA
National Inventors Hall of Fame & Foundation	National	VA
National Inventors Hall of Fame and Invention Museum	National	CA
National Patent Association	National	CT
New Jersey Inventors Club	Local	NJ
Network of American Inventors & Entrepreneurs	Local	TX
Nevada Inventors Association	Local	NV
New Hampshire Inventors	Local	NH
New Hampshire Inventors Forum	Local	NH
New Jersey Entrepreneurs Forum	Local	NJ

Name	Scope	State
New Jersey Inventors Hall of Fame	Local	NJ
New Mexico Inventors Club	Local	NM
New York Society of Professional Inventors	Local	NY
North Florida Inventors & Innovators Group	Local	FL
North West Inventors Network	Local	OR
Northern Plains Inventors Congress	Local	ND
Northwest Inventors Association	Local	WA
Northwest Inventors Council	Local	PA
Northwest Inventors Guild	Local	WA
Ohio Invention League Inc.	Local	OH
Oklahoma Inventors Congress	Local	OK
Oklahoma Student Inventors	Local	OK
Omaha Inventors Club	Local	NE
Oregon Innovation Center	Local	OR
Palm Isles Inventors Group	Local	FL
Partnership for Invention and Creativity	Unknown	OH
Pennsylvania Inventors Association	Local	PA
Philadelphia Inventors Alliance	Local	PA
Pittsburgh Inventors Club	Local	PA
Maine Inventors Forum	Local	ME
Portland Inventors Group	Local	OR
Professional Inventors Alliance	National	MI
Project Invent	Unknown	CA
Public Invention	Unknown	TX
Puget Sound Inventors Club	Local	WA
Rocky Mountain Inventors Association	Local	CO
San Diego Inventors Group	Local	CA
Society for Inventors & Entrepreneurs	Local	FL
Society of American Inventors	Local	FL
Society of Minnesota Inventors	Local	MN
Society of Mississippi Inventors	Local	MS
South Carolina Inventors Forum	Local	SC
South Coast Inventors	Local	OR
South Dakota Inventors Congress	Local	SD

Name	Scope	State
South Oregon Inventors Council	Local	OR
Southeastern Inventors Association	Local	GA
Southern Kentucky Inventors and Innovation Council	Local	KY
Southwest Missouri Inventors Network	Local	MO
Space Coast Inventors Guild	Local	FL
Spark Museum of Electrical Invention	Local	WA
Sunnyvale Center for Innovation [Invention and Ideas - possibly defunct org]	Local	CA
Tampa Bay Inventors Council	Local	FL
Tarrant County Inventors	Local	TX
Techno Inventors Inc.	Local	PR
Technology Advocates of San Antonio Inventors & Entrepreneurs SIG	Local	TX
TechShop Inventors Club	Local	AZ
Tennessee Inventors Association	Local	TN
Texas Inventors Association	Local	TX
The Aurora Club	Unknown	NY
The Center for Design & Business	Local	RI
The Columbus Phenix City Inventors Association	Local	AL
The Entrepreneur Network	Local	MI
The Inventor's Roundtable	Local	CO
The Inventors Club	Local	FL
The Next Big Idea: Festival of Discovery, Invention and Innovation	Local	NM
The Western New York Invention Convention Inc.	Local	NY
Tucson Inventor Group	Local	AZ
United Inventors & Scientists of America	National	CA
United Inventors Association	National	DC
US Inventor	National	IN
Utah Inventor Entrepreneurs	Local	UT
Utah Inventors	Local	UT
Vegas Inventors	Local	NV
Vernon Economic Development Association	Local	WI
Vets Invent	National	IL

Name	Scope	State
Virginia Innovators Network	Local	VA
Virginia Inventors Forum	Local	VA
Week-End Entrepreneurs	Local	OK
West Shore Inventor/Entrepreneur Network	Local	MI
West Virginia Inventors Council Inc.	Local	WV
Western Illinois Inventors Council	Local	IL
Western Inventors Council	Local	OR
Whidbey Island Inventor Network	Local	WA
Williamsport Inventor's Club	Local	PA
Women's Inventor Project	Unknown	MO
Worcester Area Inventors	Local	MA
Yankee Invention Exposition Inc.	Local	CT
Yellowstone Inventors	Local	MT
Young Inventors Association of America	National	TX
Young Inventors of America	National	CA
Youngstown-Warren Inventors Association	Local	OH
Youth Inventors Lab	Local	MN
IWIEF SANTA CRUZ	Local	CA
SB Amateur Scientists Club	Local	CA
Small Entity Patent Owners Association	National	CA
Inventors Association of Detroit	Local	MI
Utah Inventors Mentoring and Funding Meetup	Local	UT
Alaska Inventor's Alliance, Inc.	Local	AK
American Inventors Association, Inc.	Unknown	AL
Inventors, Developers, Entrepreneurs Association	Unknown	AL
Rocket City Inventors	Local	AL
Inventors Guild of Hot Springs	Local	AR
Native American Intellectual Property Enterprise Association	National	GA
National Inventor Club	National	NY
Inventor's Project	National	
Independent Inventors of America	National	FL
American Inventors for Justice	National	
Evansville Area Inventors & Entrepreneurs Club	Local	WI
Fair Inventing Fund	National	

Name	Scope	State
Wayland Inventors Network	Local	MI
Kalamazoo Inventors Network	Local	MI
Houghton-Hancock Inventors Network	Local	MI
St. Joe-Benton Harbor Inventor Group	Local	MI
Zeeland Inventors Group	Local	MI
Arlington Inventors Club	Local	VA
Columbia and Sauk Co. Inventors and Entrepreneurs Club	Local	WI
Midwest Inventors Association	Local	KS
Inventors & Entrepreneurs of Nassau County	Local	NY
Austin Inventors Syndicate	Local	TX
The Lemelson Foundation	National	OR
National Innovation Association	National	FL
Edison Innovators Association	Local	FL

Table A.0.1

Table A.1 *Observed Independent Inventor Organizations in the U.S.*

I constructed a purposeful, stratified sub-sample of Independent Inventor Organizations for organizational ethnography. The sub-sample was designed to include both national and local groups and groups that participated in protest as well as those that did not. At the national level, I included USI given its centrality to the protest movement and another group focused on Inventor support that did not participate in protest. At the local level, I varied the sample based on geography—paying specific attention to including organizations sited where protests occurred and where they did not—and including one group that was not a club. I included 7 local groups from logistically convenient but geographically dispersed sites where patent protests had occurred and where they had not, in addition to the two national groups. A table summarizing my sub-sample and the organizational involvement in it is contained in Chapter 6.

I was not able to secure universal participation by the organizations in my sample. As reflected in that table, two local group leaders refused to participate; one group leader did not respond to repeated email solicitations. Their lack of participation is unfortunate, because the non-participating groups were theoretically interesting. Not only did one have ties to the world of for-profit Independent Inventor Organizations, two had ties to protests, and one was supposedly a truly independent group not connected with the factions described in Chapter 6. I also had some other willing interview subjects, including some Black Independent Inventors, with whom I could not follow up for scheduling reasons. Dwindling time and resources have prevented me from pursuing more interviews. Ideally I would repeat my qualitative data collection more systematically and extensively, and I would include an organizational survey. Given the limitations of the qualitative data and their paucity, results based thereon should be interpreted as theory-generating.

I was left as respondents with two national organizations and four local groups: USI and another national group that didn't protest, plus two local organizations from the upper Midwest, a local organization from the West, and a museum from the Midwest. The membership organization from the West and one from the upper Midwest were in cities where patent protests occurred. All three local membership organizations included people who participated in protests and people who did not. At each organization, I conducted interviews and observations as described below.

Physical Field Work: Interviews and Observation

Given their centrality to the Inventor-Activists' mobilization, I oversampled U.S. Inventor in interviews and observations. I observed regular group activities and as many protests as I could attend. In sum, I conducted an organizational ethnography of USI and its Inventor-Activists, with generative data on other Independent Inventor Organizations and their members.

All field work involving human subjects was approved by the Committee for the Protection of Human Subjects at the University of California, Berkeley (UCB CPHS Protocol No. 2019-09-12529).

I interviewed one or more leader and one or more member of each group in my sub-sample (except the museum, which has no participatory membership). Interviews were in-person or via Zoom or phone as schedules permitted. All interviews were audio recorded; Zoom interviews were audio and video recorded, although no video records were retained for privacy reasons. The table below identifies interviews conducted in-person and via Zoom or phone. Most interview sessions lasted between 60 and 90 minutes.

Interviews followed a semi-structured protocol, which I modified after my first interviews and have reproduced, as modified, below:

PART I: INTRODUCTION & CONSENT

1. Introductions
 - a. Thank you for agreeing to meet with me. As I explained previously, I am a graduate student at the University of California, Berkeley doing research on activism by independent inventors.
 - b. I'm interested in how inventors come together to support one another and advocate for their interests, as well as your involvement with [inventor organization].
2. Consent: [read Consent Form – Unsigned or confirm receipt and agreement]

PART II: BACKGROUND ON INTERVIEWEE

1. How did you get involved with [inventor organization]?
 - a. When did you join?

- b. Why did you join?
 - c. What roles have you had in [inventor organization]?
- 2. Are you, or have you been, a member of any other inventor organizations?
 - a. Which ones?
 - b. [For each, loop back to question 1.]
 - c. What are the groups like?
 - d. Are there differences between them?
- 3. Are you an inventor?
 - a. What are your inventions?
 - b. How did you become involved with inventing?
- 4. Have you ever applied for a patent?
 - a. What happened?
 - b. Have you ever tried to enforce a patent?
- 5. Are you a member of any other type of organizations?

PART II: BACKGROUND ON [INVENTOR ORGANIZATION, INCLUDING ALL ORGANIZATIONS IDENTIFIED IN RESPONSE TO QUESTION 2.b OF PART I]

- 1. How would you describe [inventor organization]?
- 2. What types of inventors join [inventor organization]?
- 3. What types of organizational activities have you participated in?
- 4. Does the group have regular meetings? Describe them.
- 5. How does [inventor organization] communicate with its members? With others?
- 6. How did COVID affect [inventor organization]?
- 7. Other than group meetings and work on behalf of its members, is [inventor organization] involved in issues facing inventors?
 - a. Which issues?

- b. How frequently?
 - c. What does [inventor organization] do about those issues?
 - d. Do you think [inventor organization] is good at dealing with those issues?
- 8. Does [inventor organization] work with other groups?
 - a. Which ones? [national/local groups?]
 - b. Under what circumstances?
- 9. What's the relationship between local inventor groups and national groups?
- 10. Are there any divisions in the inventor community?
- 11. How are inventors and makers related?
- 12. How, if at all, does [inventor organization] get involved with patent law or policy?
- 13. Do you or your organization pay attention to developments in patent law?
 - a. How do you follow the developments?
 - b. Why do you follow the developments?
 - c. Are there any specific patent law changes that you remember focusing on?
 - d. Has [inventor organization] done anything related to changes in patent law?
- 14. Do you think patent law and policy is a partisan issue?

PART V: PATENT PROTESTS

- 1. Have you ever participated in a protest about patent law or inventors' issues? Anyone from [inventor organization] participate?
 - a. When?
 - b. Where?
 - c. How did you get involved?
 - d. Why did you get involved?
 - e. What was it like to protest?
 - f. If yes, have you ever participated in any other protests?
 - i. Which ones?

- ii. **If applicable:** How did the patent protest compare to your other protest experiences?
2. **[IF NOT A PARTICIPANT]** Are you aware that some inventors have protested about patent policy in the U.S.?
 - a. If aware of protests:
 - i. How did you become aware?
 - ii. Did you consider participating?
 - iii. What did you think about the protest?
 - iv. Would you participate in a future protest about patent policy?
 - b. Do you have any opinion about protesting over patent policy?
3. Have you engaged in any other form of activism about patent policy?

PART V: RECRUITING OTHER INTERVIEWEES AND FUTURE WORK

Are there other people you think I should talk to at [inventor organization] if I want to understand the organization better?

1. Is there anyone else, outside of the organization, that you think I should talk to if I want to develop a good understanding of the issues facing inventors?
2. If something comes up that needs clarification, would you mind if I contact you to set up a follow-up interview?
 - a. How would you like me to contact you?
3. Thank you very much for your time!

Although I sampled interview subjects from Independent Inventor Organizations, separating them by organization proved impossible because many of the Independent Inventors I met had been involved in multiple organizations. I sought out group leaders with email requests for interviews according to a written protocol, and I invited Independent Inventor Organization members who were willing to be interviewed using a verbal protocol approved by CPHS.

A full breakdown of my interview subjects and whether they were connected to a single organization or multiple organizations is provided in Table 1 below.

Subject ID	Sampled Org	Additional Orgs?	Inventor?	Activist?	Mode
O382-1	O382	No	No	No	In-Person

Subject ID	Sampled Org	Additional Orgs?	Inventor?	Activist?	Mode
O384-1*	O384	Yes	Yes	Yes	Zoom, In-Person
O384-2	O384	Yes	Yes	Yes	Zoom
O384-3*	O384	Yes	No	Yes	Zoom
O384-4	O384	No	No	Yes	Zoom
O384-5	O384	Yes	Yes	Yes	In-Person
O223-1*	O223	Yes	Yes	Yes	In-Person, Zoom
O223-2	O223	Yes	Yes	Yes	Zoom
O223-3	O223	No	Yes	No	In-Person
O223-4	O223	No	Yes (?)	No	In-Person
O223-5	O223	No	Yes	No	In-Person
O178-1	O178	Yes	Yes	No	In-Person
O178-2	O178	Yes	Yes	Yes	In-Person
O178-3	O178	Yes	No	No	Zoom
O210-1	O210	Yes	No	No	Zoom
O281-1	O281	No	No	No	Phone

Table A.2. Interview Subjects (* = Interviewed Multiple Times).

My interview subjects were evenly divided between activists and non-activists. Ten of my 16 interview subjects were Inventors. The other six worked in Independent Inventor Organizations with Independent Inventors. Ten of my subjects had experience at or with other Independent Inventor Organizations other than the organization at which I sampled them; the overlap included organizations within my sample. For example, subject O382-1 was the only interviewee I reached directly from Organization O382. But interview subjects O384-1, O384-2, and O223-1 had been active participants in Organization O382 as well.

One interview included an impromptu group discussion. During my interview with subject O382-1, which was taking place in a semi-public area during an event, we were joined by a handful of additional subject-matter experts—people who would qualify as Key Informants with experience at a host of different Independent Inventor Organizations. We informed them that we were recording an interview, my recorder was visible on the table, and I had out and available on the table a copy of my consent form. All acknowledged the recording, so I retained that data. Including the participants in this discussion, I had 21 subjects in my interview data.

All interviews, including the impromptu group component, were transcribed and anonymized by me. I produced rough text transcripts from the recordings with Microsoft Word’s dictation feature, then manually edited them to divide questions from answers, add punctuation, and correct mis-transcription. I then manually coded the transcripts in MaxQDA. Codes were organized hierarchically below nodes related to major dimensions in research on Social Movement mobilization: “Identity,” “Organization,” “Grievances,” “Frames,” and “Opportunities.”

Key Informants, like my interview subjects with experience at multiple Independent Inventor Organizations, are vitally important in studying small, incipient movements like the Inventor-Activists (Blee and Taylor 2002; Rupp and Taylor 1987). I am indebted to those subjects for their candor and their time.

In addition to my interviews, I conducted participant observation at most of the Independent Inventor Organizations in my sample, although the nature of the observation varied as necessary for the group’s activities. I also observed protest events.

I observed U.S. Inventor, given its importance to the protest campaign, extensively. I attended multiple meetings and two annual conferences for U.S. Inventor, in 2023 and 2024. I also attended the U.S. Inventor protest events that I could. The other national organization in my sample was not conducting membership meetings, but I reviewed online records of their in-person activities. For the local membership groups, I attended at least one meeting in-person.

At each of these events, I kept field notes. I tried to count the number of people and crude demographics about them. I recorded their messaging, indicia of organization (like signs or food delivery), and the surroundings—including any onlookers. I photographed and obtained literature and messaging at these events. I recorded public events where others were recording. I added my impressions to my observational field notes after events. A full list of the in-person or live via Zoom organizational events I observed is below.

Date	Organization	Event
September 16, 2021	U.S. Inventor	A Decade of Stolen Dreams Protest (In-Person)
January 31-February 1, 2023	U.S. Inventor	Issa Subcommittee Nomination Protest (In-Person)
February 23, 2023	U.S. Inventor	Arizona PTAB Protest (In-Person)
July 19, 2023	O281	Site Visit (In-Person)
July 19, 2023	O223	Monthly Meeting (In-Person)
July 20, 2023	O178	Monthly Meeting (In-Person)
August 17, 2023	Michigan Inventors Council ⁶⁴	Annual Meeting
September 21, 2023	O178	Monthly Meeting (Online)
October 11, 2023	O384	Weekly Meeting (Online)
October 19-21, 2023	U.S. Inventor	Annual Conference (In-Person)
December 20, 2023	O384	Weekly Meeting (Online)
March 20, 2024	O223	Monthly Meeting (In-Person)
May 29, 2024	O384	Weekly Meeting (Online)
September 26-28, 2024	U.S. Inventor	Annual Conference (In-Person)
November 14, 2024	O210	Monthly Meeting (In-Person)

Table A.3. *Inventor Activities Observed Live.*

⁶⁴ Multiple sampled organizations participated in this event.

Auto-Biographical Note for In-Person Field Work

I love Inventors. My dad is an Inventor—his commemorative plaque hangs in my home office. Although I've never created anything patentable, I take great pleasure in making things, from food to furniture. Talking to Inventors and learning about their creative journeys was a highlight of my work as a patent litigator. I was fortunate to have clients and advisors who were not just geniuses technologically, but generous teachers and conversationalists. In my interactions with research subjects during this project, whether in interviews or observations, I relied heavily on my earnest curiosity to drive the interaction. That was not always sufficient, however. At times, managing my identity during my in-person field work was challenging.

My presence in the groups I studied was known, as was my interest in their views on patent policy and politics. I cannot say how my interests affected my subjects' behavior, though it certainly did. Paul Morinville remarked to U.S. Inventor during a weekly meeting I was observing, for example, that he took my academic interest in the group as a sign that they were making a difference. Another subject indicated he thought (incorrectly) that I was somehow disappointed in my findings about the lack of organization in the Independent Inventor community because of my interest in Social Movements.

My role as a researcher affected people differently as well. Some Inventors, including even Inventor-Activists who were demonstrating publicly, were wary of identifying themselves or being interviewed even when I offered anonymity. Another mentioned my status as a researcher from Berkeley and implied it gave me some special insight into what I took to be the racist implications of his remarks (he declined to make those implications explicit).

My identity as an attorney could be similarly provocative, although it tended to elicit deference rather than defensiveness. Some of my subjects were at least as interested in my opinions on patent law as they were in telling me about their experiences as Independent Inventors or advocates therefor. I returned, on invitation, to give a talk on patent law and my experience to one of my subject groups. Yet I also felt deeply ambivalent as an attorney when I heard stories about poor representation or witnessed Independent Inventors who were deeply misguided about the patent laws or were being given poor advice. I did not intervene, as I did not have an attorney-client relationship with those Inventors, but the observation was disquieting.

My living in California and being affiliated with UC Berkeley was sometimes culturally conspicuous as well. This was especially the case in one of the local Independent Inventor Organizations, whose members' politics tended to the right in my impression, and at U.S. Inventor. I consciously drew on my background and interests to overcome that barrier when it seemed an issue. When politics came up expressly, I would reference my upbringing in purple Macomb County, MI—then a bastion of Reagan Democrats, more recently a key stop for the Trump campaigns—and the difficulties of transitioning to the San Francisco Bay Area. Religious references I addressed by drawing on my upbringing in an American Baptist church with family members ranging from Lutheran to Pentecostal. Cultural references I could deflect with conversation about farms, fishing and hunting, or NASCAR—all things I've learned to enjoy as I've aged. I am also a white, middle-class male who appeared at these functions in casual slacks and a button-down or sport shirt. To an extent, I think I passed as significantly more conservative

than I am. In any case, I aimed to present myself as respectfully curious about Independent Inventors and their politics, regardless of what those may be.

At times, this required refraining from challenging people espousing problematic and even potentially harmful views, which happened with greater frequency than I expected. To continue to observe effectively, I silently listened to all manner of conspiratorial and sometimes hateful speech. I drew the line at comments I took as personally offensive and directly responded only once during my field work, near the conclusion of an informal gathering.

Wikipedia Analysis

In addition to my field work with Independent Inventor Organizations, I conducted studies of other data about Inventors. This includes the Wikipedia analysis presented in Chapter 3, the patent statistics presented in Chapter 3, and the corpus linguistics data in Chapter 4. The latter two pieces of quantitative data are explained in the text. Here, I offer further information on the Wikipedia analysis.

In Chapter 3, I use Wikipedia biographies to assess the cultural status of Inventors in comparison to other job categories. My conceptual intuition was that Inventors—especially Independent Inventors—were a distinct cultural identity separate from other professions with similar status and visibility. From secondary sources and academic literature review I identified specific traits—*independence*, *Protestant asceticism*, *productivity*, and *techno-nationalism*—that I hypothesized were cultural associated with Inventors. I also theorized that Inventors would have higher social status by virtue of their association with these traits. I compared biographies of Inventors to biographies of other professionals and creative actors to show that Inventors were a distinct category with respect to these traits and social status.

I operationalize traits and social status within those biographies as the count of words, in each biography, related to those categories. Trait words refer to normatively valued traits for inventors—*independence*, *Protestant asceticism*, *productivity*, and *techno-nationalism* and synonyms therefore. Esteem words relate to prestige and connote the same. By conducting this analysis, I identified social status specifically associated with the identity of Inventor, status that was put under threat by legislative changes discussed in this dissertation.

This approach is a type of computational text analysis known as the dictionary method. Each document is treated as a “bag of words,” which you can count. You filter to count words of theoretical interest—in this case words that are associated with heroic traits or social esteem—and compare their relative usage across biographies in categories of interest (*i.e.*, the job categories).

The collection of documents for analysis is called a corpus, which is purposefully arranged for analysis. In this case, my corpus consisted of all Wikipedia entries that were labeled by users as biographies of American Inventors or certain comparison categories. The categorization system on Wikipedia is not hierarchical, though. This makes it very difficult to algorithmically determine what categories and sub-categories from the Wikipedia to collect. After frustrating efforts to automate collection, I manually defined the Wikipedia categories that I used to create

my corpus. In other words, for each job category, I collected all Wikipedia entries that users had tagged with the “Constituent Categories” in the table below.

Job Category	Constituent Categories
American Artists	American inventors, African-American inventors, American women inventors, 18th-century American inventors, 19th-century American inventors, 20th-century American inventors, 21st-century American inventors, American inventor stubs, Alaska Native inventors and scientists
American Businesspeople	17th-century American businesspeople, 17th-century American businesswomen, 18th-century American businesspeople, 18th-century African-American businesspeople, 19th-century American businesspeople, 19th-century African-American businesspeople, 19th-century American businesswomen, 20th-century American businesspeople, 20th-century African-American businesspeople, 20th-century Puerto Rican businesspeople, 20th-century American businesswomen, 21st-century American businesspeople, 21st-century African-American businesspeople, 21st-century Puerto Rican businesspeople, 21st-century American businesswomen
American Farmers	17th-century American farmers, 18th-century American planters, 18th-century American farmers, 18th-century American women farmers, 19th-century American farmers, 19th-century American planters, 19th-century American women farmers, 20th-century American farmers, 20th-century American women farmers, 21st-century American farmers, 21st-century American women farmers
American Inventors	American inventors, African-American inventors, American women inventors, 18th-century American inventors, 19th-century American inventors, 20th-century American inventors, 21st-century American inventors, American inventor stubs, Alaska Native inventors and scientists
American Politicians	18th-century members of the United States House of Representatives, 19th-century members of the United States House of Representatives, 20th-century members of the United States House of Representatives, 21st-century members of the United States House of Representatives, 18th-century United States senators, 19th-century United States senators, 20th-century United States senators, 21st-century United States senators, Republican Party governors of Alabama, Democratic Party governors of Alabama, Republican Party governors of Alaska, Democratic Party governors of Alaska, Republican Party governors of Arizona, Democratic Party governors of Arizona, Republican Party governors of Arkansas, Democratic Party governors of Arkansas, Republican Party governors of California, Democratic Party governors of California, Republican Party

Job Category	Constituent Categories
	governors of Colorado, Democratic Party governors of Colorado, Republican Party governors of Connecticut, Democratic Party governors of Connecticut, Republican Party governors of Delaware, Democratic Party governors of Delaware, Republican Party governors of Florida, Democratic Party governors of Florida, Republican Party governors of Georgia (U.S. state), Democratic Party governors of Georgia (U.S. state), Republican Party governors of Hawaii, Democratic Party governors of Hawaii, Republican Party governors of Idaho, Democratic Party governors of Idaho, Republican Party governors of Illinois, Democratic Party governors of Illinois, Republican Party governors of Indiana, Democratic Party governors of Indiana, Republican Party governors of Iowa, Democratic Party governors of Iowa, Republican Party governors of Kansas, Democratic Party governors of Kansas, Republican Party governors of Kentucky, Democratic Party governors of Kentucky, Republican Party governors of Louisiana, Democratic Party governors of Louisiana, Republican Party governors of Maine, Democratic Party governors of Maine, Republican Party governors of Maryland, Democratic Party governors of Maryland, Republican Party governors of Massachusetts, Democratic Party governors of Massachusetts, Republican Party governors of Michigan, Democratic Party governors of Michigan, Republican Party governors of Minnesota, Democratic Party governors of Minnesota, Republican Party governors of Mississippi, Democratic Party governors of Mississippi, Republican Party governors of Missouri, Democratic Party governors of Missouri, Republican Party governors of Montana, Democratic Party governors of Montana, Republican Party governors of Nebraska, Democratic Party governors of Nebraska, Republican Party governors of Nevada, Democratic Party governors of Nevada, Republican Party governors of New Hampshire, Democratic Party governors of New Hampshire, Republican Party governors of New Jersey, Democratic Party governors of New Jersey, Republican Party governors of New Mexico, Democratic Party governors of New Mexico, Republican Party governors of New York (state), Democratic Party governors of New York (state), Republican Party governors of North Carolina, Democratic Party governors of North Carolina, Republican Party governors of North Dakota, Democratic Party governors of North Dakota, Republican Party governors of Ohio, Democratic Party governors of Ohio, Republican Party governors of Oklahoma, Democratic Party governors of Oklahoma, Republican Party governors of Oregon, Democratic Party governors of Oregon, Republican Party governors of Pennsylvania, Democratic Party governors of

Job Category	Constituent Categories
	Pennsylvania, Republican Party governors of Rhode Island, Democratic Party governors of Rhode Island, Republican Party governors of South Carolina, Democratic Party governors of South Carolina, Republican Party governors of South Dakota, Democratic Party governors of South Dakota, Republican Party governors of Tennessee, Democratic Party governors of Tennessee, Republican Party governors of Texas, Democratic Party governors of Texas, Republican Party governors of Utah, Democratic Party governors of Utah, Republican Party governors of Vermont, Democratic Party governors of Vermont, Republican Party governors of Virginia, Democratic Party governors of Virginia, Republican Party governors of Washington (state), Democratic Party governors of Washington (state), Republican Party governors of West Virginia, Democratic Party governors of West Virginia, Republican Party governors of Wisconsin, Democratic Party governors of Wisconsin, Republican Party governors of Wyoming, Democratic Party governors of Wyoming
American Scientists	17th-century American scientists, 17th-century American astronomers, 18th-century American scientists, 18th-century American women scientists, 18th-century American astronomers, 18th-century American botanists, 18th-century American engineers, 18th-century American mathematicians, 19th-century American scientists, 19th-century African-American scientists, 19th-century American women engineers, 19th-century American women scientists, 19th-century American women mathematicians, 19th-century American archaeologists, 19th-century American astronomers, 19th-century American botanists, 19th-century American zoologists, 19th-century American biologists, 19th-century American chemists, 19th-century American earth scientists, 19th-century American geographers, 19th-century American geologists, 19th-century American engineers, 19th-century American mathematicians, 19th-century American naturalists, 19th-century American physicists, 20th-century American scientists, 20th-century African-American scientists, 20th-century Native American scientists, 20th-century Puerto Rican scientists, 20th-century American women scientists, 20th-century American women engineers, 20th-century American women mathematicians, 20th-century American agronomists, 20th-century American archaeologists, 20th-century American astronomers, 20th-century American biochemists, 20th-century American botanists, 20th-century American zoologists, 20th-century American biologists, 20th-century American chemists, 20th-century American earth scientists, 20th-century American geographers, 20th-century American geologists, 20th-century American engineers, 20th-century Puerto Rican engineers, 20th-

Job Category	Constituent Categories
	century American mathematicians, 20th-century American naturalists, 20th-century American physicists, 21st-century American scientists, 21st-century African-American scientists, 21st-century Native American scientists, 21st-century Puerto Rican scientists, 21st-century American women scientists, 21st-century American women engineers, 21st-century American women mathematicians, 21st-century American astronomers, 21st-century American biochemists, 21st-century American botanists, 21st-century American zoologists, 21st-century American biologists, 21st-century American chemists, 21st-century American earth scientists, 21st-century American geographers, 21st-century American geologists, 21st-century American engineers, 21st-century Puerto Rican engineers, 21st-century American mathematicians, 21st-century American physicists

Table A.4. Job Categories for Wikipedia Biographies and Subcategories.

Using a crawler I built with the assistance of Claude.ai, I collected every unique biography in each of these categories and stored the data in a .csv file. There was a large difference in the number of biographies in each category (Table 4), so I took a random sample of 1,000 biographies from each category for analysis.

Category	Number
American Artists	22,044
American Businesspeople	12,042
American Farmers	1,041
American Inventors	2,643
American Politicians	14,035
American Scientists	15,551

Table A.5. Number of Wikipedia biographies by job category.

I then converted each biography into a “bag of words” using the Python scikit-learn library’s Countvectorizer class. I limited the vocabulary to tokens that occurred in at least five documents but no more than 97% of documents to remove stopwords, or words that occur so commonly that they add more noise than signal (articles like “the”, for example). I also removed tokens that included numbers. After that filtering, I was left with 24,443 unique tokens—mostly words.

The dictionaries of theoretically interesting terms—terms related to independence, Protestant asceticism, productivity, techno-nationalism, and esteem—were constructed *ex ante* by me. I identified this core set of four fundamental traits based on my review of the secondary literature about Inventors. I included traits like Independence and Productivity that figured into citizenship as an inventor, but I excluded traits like “curiosity” that had less obvious explanatory power for mobilization.

I began with my four core traits and added synonyms iteratively. Use of expert opinion to construct dictionaries, as here, is a recognized technique in the field. That said, it is also widely recognized in the field that dictionaries can always benefit from further validation and refinement. Such validation in future work might include, for example: (1) weighting the association of each term with the dictionary's subject using a pre-built model of text data or survey data on the strength of the association; or (2) re-running the analysis while holding out one term at a time to test if a single term is dominating the results for any dictionary. The content of my dictionaries is below:

Independence	Protestant Asceticism	Productivity	Techno-Nationalism	Esteem
abnormal	abstain	advance	competitive	acclaim
alone	abstained	advanced	competitiveness	acclaimed
amateur	abstaining	advances	constitution	acclamation
amateurish	abstains	advancing	constitutional	award
bucked	abstemious	artificer	country	awarded
cloister	abstemiously	beneficence	defeat	awarding
cloistered	ascete	beneficial	defeated	awards
crazy	ascetic	beneficially	economy	best
deviant	asceticism	benefit	economic	bestow
deviated	assiduous	benefited	exceptionalism	bestowed
difference	assiduously	benefiting	forefathers	bestowing
differences	attentive	benefits	founders	bestows
different	attentively	bequeath	founding	celebrated
differently	calling	bequeathed	greatness	celebrity
eccentric	commitment	bequeathing	heritage	credited
eccentricities	committed	bequeaths	legacy	esteem
eccentricity	conscientious	bequest	might	esteemed
garage	conscientiously	bequests	mighty	exceptional
heretic	contingency	better	military	exceptionally
heretical	danger	bettered	nation	expert
hereticism	dedicated	bettering	national	expertise
herself	dedication	betterment	patriot	explorer
himself	demanding	betters	patriotic	extraordinary
idiosyncracies	demands	boost	patriotism	famous
idiosyncracy	determined	boosted	power	famously
idiosyncratic	devoted	boosting	powerful	frontier
idiosyncratically	devotion	boosts	security	genius
independence	difficult	breakthrough	surrender	gifted
independent	difficulties	breakthroughs	victorious	groundbreaking
independently	difficulty	build	victory	hero
individual	diligence	builds	war	heroes
individually	diligent	built	warfare	heroic
introvert	diligently	contribute		heroically
introverted	discipline	contributed		heroicly
kitchen	disciplined	contributes		heroism

Independence	Protestant Asceticism	Productivity	Techno- Nationalism	Esteem
kooky lone lonely lonesome maverick nutty offbeat original originality peculiar persnickety quirk quirky rebel rebelled rebellng recluse reclusive secluded seclusion self sequestered single sole solitary solo strange themselves themselves themselves themselves unaided unconventional unusual weird wild withdrawn	dogged doggedly drive driven eager eagerly earnest earnestly effort exacting exhaust exhausted exhausting exhaustion exhausts experiment experimental experimentally experimentation experimented experiments faithful faithfully fastidious fastidiously fatigue fatigued fatiguing gamble gambled gambles gambling grind grindstone grit guts hazard indefatigable industrious inexhaustible jeopardize jeopardy journey luck	contributing contribution create created creates creating creation creations creative creatively creator develop developed developing development develops donate donated donates donation forward generosity generous generously gift give giving improve improved improvement improves improving increase increased increases increasing ingenious ingeniously ingenius ingeniously prodigious produced producer producers		honor honored honoring honors icon iconic inspiration inspirational inspire inspiring leader leading model most notoriety notorious notoriously pathbreaking pioneer pioneered pioneering pioneers prize prized prizes prodigy respect respected renown renowned revolutionary savant scion spearhead status superstar trailblazing virtuoso winning won

Independence	Protestant Asceticism	Productivity	Techno- Nationalism	Esteem
	mission mortgage moxie overcame overcome overcomes overcoming pains painstaking painstakingly peril perseverance persevere persevered perseveres persevering persist persisted persistence persistent persisting persists pluck plugging plunge precarious precariously process prospect puritan puritanical resolute resolve resolved risk risked risking risks sacrifice sacrificed sacrificing spunk spunky stamina	producing production productive productively productivity progress prosper prospered prospering prosperity prosperes solve solved solver solves solving welfare		

Independence	Protestant Asceticism	Productivity	Techno- Nationalism	Esteem
	steadfast strain strained straining strains stress stressed stressing strict strictly stricture strife strive strove struggle struggled struggles struggling sweat sweaty tenacious tenaciously tenacity tenuous tenuously tinker tinkered tinkerer tinkering tinkers tired tireless tirelessly toil toiled toiling toils trial trials uncertain uncertainty undaunted unfaltering unfalteringly			

Independence	Protestant Asceticism	Productivity	Techno- Nationalism	Esteem
	unflagging unflaggingly unflinching unflinchingly unhesitating unhesitatingly unrelenting unrelentingly unshakable untiring unwavering venture ventured ventures venturing vocation wager wagered wagering wagers zealous zealously			

Table A.6 *Wikipedia Analysis Dictionaries.*

The main dependent measures of the Wikipedia analysis are the counts of terms from each dictionary in the biographies from each job category. As count data, they skew left with a long tail to the right. These data are non-normal and overdispersed. Again, using the American Inventors' esteem score as an example, the mean was 3.339 and the standard deviation was 7.089. As a result, the significance tests in the body rely on pairwise comparisons between the distributions using the Mann-Whitney U test, which is appropriate for count data with these characteristics.