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Patent? Take a number

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 Portland Press Herald / Maine Sunday Telegram

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 Final, Front, page A1

One of thousands of patents awarded to Mainers in the past 30 years describes how a Portland company developed a way to grow marine fish in nearly fresh water.

Most of the language is too technical for easy consumption. But **MariCal** Inc. developed a way to grow cobia, a popular marine sport fish, in low-salt tanks. The process allows the company to grow fish closer to the Midwest customers who can't buy fresh fish on a pier.

"The patent itself has to do with understanding the biology of one fish," said William Harris, president and chief scientific officer for **MariCal**. "It's a fast-growing fish. That fish is essentially acclimated to very low-salinity conditions, just as people are acclimated to high altitude."

The patent is one of 4,452 that Mainers have registered since 1976. Patents are important because they ensure an inventor exclusive use of an idea for 20 years.

Inventions are as varied as the imagination.

David Moser, of Thos. Moser Cabinetmakers, had a new idea for a chair. A Kennebunkport man came up with a child-resistant pill dispenser. And a West Newfield man developed a strap for fish hooks.

They have a lot of company.

The number of applications to the U.S. Patent and Trademark Office nearly doubled from 185,000 in 1994 to more than 350,000 in 2004. The surge created a backlog of 750,000 applications, according to a Government Accountability Office report. By 2009, the office is projected to receive more than 450,000 applications a year.

Patents have been around since the beginning of the country. The Constitution gave Congress the 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." The first laws were approved in 1790.

The patent system hasn't changed significantly since 1952, though Congress is considering legislation that has bipartisan support.

The bill aims to create a system for challenging patents after they are awarded. Currently, challenges are raised sparingly at the patent office or expensively in federal court.

Another significant aspect of the bill would define the value of damages for patent infringement. Currently, a single product such as an electronic device could have hundreds of patents, leaving it difficult to determine what each is worth.

Sen. Patrick Leahy, D-Vt. and chairman of the Judiciary Committee, has called for "a unified and resolute approach to improving the nation's patent system."

The legislation, for example, aims to nail down the standards for intentional patent infringement, which can lead to triple damages.

Mary Doyle, general counsel of Palm Inc. of California, which makes hand-held electronics, praised the legislation at a Judiciary Committee hearing Wednesday. She supported the new way to challenge patents. She also liked the effort to create a more rigorous standard for winning triple damages in lawsuits.

Her company has been sued 16 times about patents since 2001, resolving each of the cases before trial. But, she said, the company pays to license patents "at rates that greatly exaggerate the contribution of the patented invention."

Kathryn Biberstein, general counsel of drug maker Aklermes Inc. of Massachusetts, urged lawmakers to follow the Hippocratic oath and "do no harm."

Biberstein, who represented the Biotechnology Industry Organization, said companies depend on stability in patent law because products often consume hundreds of millions of dollars in investment and a decade of effort.

"All of this innovation is possible because of the certainty and predictability provided by the U.S.

patent system," she said.

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Derek Davis/Staff Photographer

Kristen Fuda takes oxygen-level readings on tanks of juvenile cobia Friday at **MariCal** Inc. on Commercial Street in Portland. The company holds a patent for developing a way to grow the popular marine sport fish in low-salt tanks.

Derek Davis/Staff Photographer

Kristen Fuda tries to catch a cobia while William Harris, president and chief scientific officer, checks the oxygen level at **MariCal** Inc. "The patent itself has to do with understanding the biology of one fish," he said. Derek Davis/Staff Photographer

Juvenile cobia swim in a rearing tank Friday at **MariCal** Inc. The patented process allows the fish to be grown closer to Midwest customers who can't buy fresh fish on a pier.

FAMOUS MAINE INVENTORS

H.S. MAXIM, Sangerville, the Maxim gun

PERCY LEBARON SPENCER, Howland, microwave oven

F.E & F.O. STANLEY, Kingfield, the Stanley Steamer, dry-plate photographic process

LEON LEONWOOD BEAN, Greenwood, the Maine Hunting Shoe

CHESTER GREENWOOD, Farmington, earmuffs

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