

upon we should see a sudden burst of manufacture or importation of the invention in America, unless this valuable invention had been already obsoleted. The fact that we never, never hear of such scandalous cases, proves that they do not occur. And this in turn proves that gross suppression of inventions by patents does not occur, since if it did, the above phenomena would be almost inevitable consequences.

[309] When respected scientists, like Merton,³⁸ Stern,³²¹ and Vaughan,³²² cite inventions suppressed, or a technologist says he knows of a forbidden razor that needs no sharpening nor replacement, it sounds convincing and disturbing. But when we reread their lists 23 and 20 years later, and find those inventions not yet in use, though their patents must long ago have run out, it is evident that the writers had been deceived.

[310] If improperly suppressed patents are mostly a myth, why do we hear of them so often? Every inventor believes *too much* in his own invention, and may be ready to cry from the housetops about the skullduggery or the folly of those who failed to use it, after getting it from him. And next there are plenty of people to repeat the scandalous and anticapitalist or antigovernment story, and pass it on from print to print.

[311] Perhaps the story is "adorned with corroborative detail, intended to give verisimilitude", like the \$119,000 Stern said the Bell company paid for 9 Irwin patents, which they then did not use.³²¹ The trouble is there are so many reasons why a particular invention ought not to be used, that an outsider cannot hope to appraise the whole situation aright, and the insiders do not always do so. How well the invention can be developed to work, how prices and other circumstances change from year to year, what standardizations would be interfered with, what rival inventions are available from time to time, are questions difficult for the enterpriser to assess in the present, and next to impossible for an outsider to know for the remoter past or for the future. Yet without a true, complete answer to all those inquiries we cannot say whether a patented invention was wrongly, uneconomically suppressed.

[312] One good reason for nonuse of inventions is, paradoxically, rapid progress of invention. A familiar example is the introduction of television, long delayed in America till 1947, though earlier in England, and practiced experimentally for half a century or so, and latterly for 5 or 10 years quite good enough to be worth using. It was held back not by scheming patent owners, but by the Federal Communications Commission with the inventing corporations' consent, partly because improvements were by then fast appearing, with the smell of huge early profits in the nostrils of the ready radio industry, and it was to the interest of all that the form to be adopted, standardized, and embodied in billions worth of manufacturers', broadcasters', and receivers' equipment, should be a thoroughly satisfactory form and likely to last (rejecting all incompatible improvements) for many years. The same history of delay justified by prospective progress, was repeated with color television, and must have accounted, justifiably, for countless other rejections or postponements of inventions good in themselves, the best yet, inherently worth adopting despite all costs of change, yet rightly rejected or postponed in the interest of some likely *future* better standardization and investment.