

May 19, 2010

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510-6275

The Honorable Jeff Sessions
Ranking Minority Member
Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, DC 20510-6275

**Re: Nomination of the Honorable Kathleen M. O'Malley
to the U.S. Court of Appeals for the Federal Circuit**

Dear Chairman Leahy and Ranking Member Sessions:

The American Intellectual Property Law Association (“AIPLA”) is pleased to submit this letter in response to President Obama’s nomination of the Honorable Kathleen M. O’Malley, United States District Court Judge for the Northern District of Ohio, to be a judge on the United States Court of Appeals the Federal Circuit. AIPLA believes that Judge O’Malley, having demonstrated dedication, diligence, and respect for the law, is well qualified to serve on the Federal Circuit and that her knowledge and experience enable her to serve ably and well.

AIPLA is a national bar association of over 16,000 members who are primarily lawyers in private and corporate practice, in government service, and in the academic community. AIPLA represents a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent, trademark, copyright, and unfair competition law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property.

AIPLA notes that Judge O’Malley has presided over more than 100 patent and trademark cases in the fifteen years that she served on the District Court for the Northern District of Ohio, and that she has sat by designation on several Federal Circuit panels hearing appeals in patent cases. Judge O’Malley has also served as a visiting professor at Case Western Reserve University School of Law and has lectured extensively on patent law and litigation. In her eight years of legal practice prior to her appointment to the bench, Judge O’Malley focused on complex litigation, including patent, trademark, antitrust and trade secret litigation. Judge O’Malley earned her Bachelor’s Degree from Kenyon College, where she graduated magna cum laude and Phi Beta Kappa, and received her Juris Doctorate (and Order of the Coif) from Case Western Reserve University School of Law.

The Honorable Patrick J. Leahy
The Honorable Jeff Sessions
May 19, 2010
Page 2

AIPLA finds Judge O'Malley to have the "intellect, legal skills, professional and personal integrity, sound judgment, and extensive experience in relevant fields of law" necessary for service on the Federal Circuit. These are qualifications which the Association has identified in its recent "White Paper" on judicial nominations to the Federal Circuit ("AIPLA Recommendations Regarding Nomination of Judges to the United States Court of Appeals for the Federal Circuit"). Judge O'Malley's credentials also satisfy the White Paper's recommendation that, at this point in time, a preference should be given to federal district court judges having substantial experience in trying patent cases and a demonstrated ability to effectively manage those cases.

For the reasons noted, we believe Judge O'Malley will be an excellent addition to the U.S. Court of Appeals for the Federal Circuit. In our view, her service as a district judge and other activities have demonstrated an interest in and understanding of patent law, as well as an objective appreciation of the U.S. intellectual property system as a whole.

Respectfully submitted,

A handwritten signature in cursive script that reads "Alan J. Kasper".

Alan J. Kasper
President