

December 16, 2021

The Honorable Richard J. Durbin
Chair
Committee on the Judiciary
U.S. Senate
Room 224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
U.S. Senate
Room 224 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Nomination of Leonard P. Stark to the United States Court of Appeals for the Federal Circuit

Dear Chair Durbin and Ranking Member Grassley:

The American Intellectual Property Law Association (AIPLA) is pleased to submit this letter in response to President Biden’s nomination of Leonard P. Stark as Circuit Judge of the United States Court of Appeals for the Federal Circuit. AIPLA believes that Judge Stark’s background and professional experience demonstrate he is qualified to serve in this position, and he would make an excellent addition to the Federal Circuit.

Founded in 1897, AIPLA is a national bar association of approximately 8,500 members who are engaged in private or corporate practice, in government service, and in the academic community. AIPLA members represent a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent (utility and design), trademark, copyright, trade secret, and unfair competition law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property. Our mission includes helping to establish and maintain fair and effective laws and policies that stimulate and reward invention but that also balance the public’s interest in healthy competition, reasonable costs, and basic fairness.

The Association’s White Paper (“Recommendations Regarding Nomination of Judges to the United States Court of Appeals for the Federal Circuit” dated September 2018) recommends in general that all individuals nominated to serve as Circuit Judges of the Court of Appeals for the Federal Circuit “understand the patent system’s targeted nexus of law, technology, and business, as well as the business impact of the decisions routinely made by the Federal Circuit, would maintain and improve both the reliability of and adherence to the body of established patent law that the Federal Circuit is charged with applying consistently and uniformly. Equally important is ensuring that the Federal Circuit will continue to have judges

who understand not only the technology at issue but also the relevance and effect of patent trial and administrative proceedings.”

In addition to meeting those criteria, Judge Stark would bring essential experience to the Court; having served as a United States District Judge responsible for the conduct of intellectual property trials. This experience and skill set is currently possessed only by Judge Kathleen O’Malley, herself an experienced district court judge before being elevated to the Court of Appeals, and whose impending retirement will create the next vacancy on the Court.

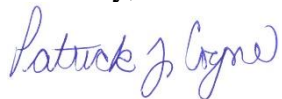
Judge Stark’s academic and judicial credentials are stellar by any measure. He earned a Bachelor of Arts and a Bachelor of Science in history and political science and a Master of Arts in history from the University of Delaware, all in 1991. Judge Stark also earned a Doctor of Philosophy in politics from Magdalen College at the University of Oxford in 1993 as a Rhodes Scholar. Finally, Judge Stark earned a Juris Doctor from Yale Law School in 1996. From 1996 until 1997, Judge Stark served as a law clerk to United States Court of Appeals for the Third Circuit Judge Walter K. Stapleton.

AIPLA is especially well acquainted with Judge Stark and his extensive patent-related background as a United States Magistrate Judge and District Court Judge. Judge Stark has presided over 6,000 total cases in his tenure as a District Judge, 2,400 of which involved patents, and he sat by designation on the Federal Circuit and Third Circuit 54 times. It has been reported that less than 2% of Judge Stark’s decisions have been reversed during his time on the Federal bench in Delaware, an admirable achievement for any trial judge.

For all these reasons, AIPLA enthusiastically endorses Judge Stark as qualified to serve as a Circuit Judge on the United States Court of Appeals for the Federal Circuit. We urge you to move forward with his confirmation.

Thank you in advance for your consideration of these views.

Sincerely,



Patrick J. Coyne

President

American Intellectual Property Law Association

CC: Hon. Patrick J. Leahy
Hon. Thom R. Tillis