

April 2, 2010

The Honorable Harry Reid
Majority Leader
United States Senate
The Capitol, Room 221
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
The Capitol, Room 231
Washington, D.C. 20510

**RE: SUPPORT FOR MANAGER’S AMENDMENT TO S. 515
“THE PATENT REFORM ACT OF 2010”**

Dear Majority Leader Reid and Minority Leader McConnell:

On behalf of the American Intellectual Property Law Association (AIPLA), I am writing to express our strong support for the Manager’s Amendment to S. 515, the Patent Reform Act of 2010. We believe the current text achieves a balanced compromise, carefully crafted to recognize the divergent interests of the U.S. patent community, which will benefit the system as a whole and significantly promote American innovation.

AIPLA is a national bar association of more than 16,000 members engaged in private and corporate practice, in government service, and in academia. AIPLA represents a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent, trademark, and copyright law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property, and they have a keen interest in a strong and efficient patent system. We have also been deeply involved in improving the patent system since our founding in 1897, and we appreciate the opportunity for our voice to be heard in the current debate.

Regarding the Manager’s Amendment, we believe that the core of the bill will provide for a number of significant improvements, more specifically, it will:

- Lessen the negative effects of some current aspects of patent litigation in such areas as damages, willfulness, venue, and the best mode requirement by reducing some of its more subjective elements and negative effects, while also protecting the historic interests of patent owners;

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- Implement best practices in patent administration, such as moving to a first-inventor-to-file system, allowing third parties to more effectively submit prior art during examination, and creating a more robust post-grant review process, thereby enhancing patent quality; and
- Allow the USPTO to begin making some necessary operational improvements, and taking strides toward obtaining the personnel, training, and resources it needs to realize an efficient and effective patent system, although further efforts to ensure those funds reach the Office are critically important and should continue during this legislative process.

We recognize that the Manager's Amendment is a product of compromise, and while we like others may not have supported some aspects of the package, we believe that it strikes an appropriate balance between competing interests and has our support as a whole. While we have a few minor suggestions we are working with Judiciary Committee staff on, we want to again commend the Committee, and in particular Chairman Leahy and Ranking Member Sessions and their staffs, for making such significant progress toward a critical, but long overdue reform of our patent system.

We thank you for considering our views. AIPLA is committed to a strong, efficient, and predictable patent system, and is eager to work with you to achieve that goal. We look forward to prompt consideration and passage of S. 515.

Sincerely,



Alan J. Kasper
President