

THE PATENT REFORM ACT

SECURING AMERICAN INNOVATION – CREATING AMERICAN JOBS

The bipartisan Patent Reform Act is the product of more than five years of consideration in Congress, and would make the first significant reforms to the nation's patent system in more than 50 years. Updating our patent system to address the needs of a 21st century economy must be a component of the government's efforts to bolster economic development, sustain American innovation, and protect American jobs. Support has been growing for a compromise amendment released in March.

Recent Support for Patent Reform

"The Advanced Medical Technology Association, AdvaMed, is the world's largest association of medical device manufacturers...We believe that the proposed Managers' Amendment offers a balanced compromise that on the whole improves upon the existing U.S. patent system to preserve medical technology innovation. Accordingly, **AdvaMed strongly supports the bipartisan agreement.** We are hopeful for early action and commit to working with the Congress, the Administration, and other stakeholders to advance the proposed legislation." -- *AdvaMed, April 14, 2010*

"I am writing on behalf of the Section of Intellectual Property Law of the American Bar Association to express our support for Senate consideration and approval of the bipartisan Amendment [] for S. 515, which you and other senators announced on March 4, 2010...The bill before you is the product of five years of study and development within the Judiciary Committee, and we commend you for your commitment and sustained attention to the effort...**Its enactment would substantially improve the patent system of the United States, and we support that enactment.**" -- *Section of Intellectual Property Law, American Bar Association, March 26, 2010*

"**The proposed measures would be a significant improvement to the existing system and benefit everyone.** The reform legislation will lower fees for micro-entities, provide for a shorter waiting time for patent prosecution, and ultimately result in a stronger patent making it easier for independent inventors and small businesses to attract start-up capital." -- *Louis J. Foreman, executive producer, Everyday Edisons, April 8, 2010*

"**The current Manager's Amendment adds important changes that improve patent quality and protect valid patents from abuse and piracy.** We are pleased to support the bill in its current form and look forward to working with you as the process moves forward to ensure a patent system that will further protect and reward innovation and create and maintain high paying jobs in America." -- *Monsanto Company, April 13, 2010*

"I am writing to express support by Bose Corporation for S. 515, the Patent Reform Act [] to be further amended by the 'Amendment in the nature of a substitute'...Bose Corporation is not currently affiliated with any of the coalitions in this debate. We are inventors, and take great pride in technical innovation. We are a holder of many US patents. **We urge the Senate to act now.**" -- *Bose Corporation, March 18, 2010*

"ExxonMobil has actively supported efforts to enact meaningful patent reform. **The new Managers' Amendment to S. 515, The Patent Reform Act, will go far in achieving this goal.** We recognize that the Managers' Amendment is a compromise. While the Senate consensus measure may not address all the wishes of all the parties involved, including those of ExxonMobil, it is a balanced approach that improves our nation's patent law and promotes patent quality. **We are pleased to support it.**" -- *ExxonMobil, March 16, 2010*

""[Wisconsin Alumni Research Foundation] WARF is grateful that a number of concerns [] have been addressed in The Patent Reform Act of 2009 (S. 515) and perfected (or improved) in the bipartisan amendment...In all instances, **WARF will work to prevent erosion from the compromises contained in the bipartisan amendment.**" -- *Wisconsin Alumni Research Foundation (WARF), March 15, 2010*

"**We support the proposed amendment to S. 515 as it represents a reasonable compromise that would lead to greater efficiencies and improvement to the U.S. patent system...**[The University of California] UC supports patent reform, as embodied in this proposed amendment to S. 515." -- *University of California, March 12, 2010*

“This bill, a manager’s amendment to S. 515, the Patent Reform Act, goes a long way toward reforming the patent system in the interest of continuing innovation...This proposal is not a perfect solution – perfection...is not a hallmark of compromise. This is however, a good and balanced solution that we support. **The importance of strong and workable patent law cannot be over-emphasized.**” -- *Genzyme Corporation, March 11, 2010*

“The Managers’ Amendment resulted from diligent consensus building between the parties, industry groups, universities, and independent entrepreneurs...Changes in the patent system will in some way touch everyone...**The bipartisan compromise reforms will strengthen our economy and ensure that our nation continues to lead the world in innovation.**” -- *The Dow Chemical Company, March 11, 2010*

“I am writing to offer my enthusiastic support for the substitute amendment for S. 515, the ‘Patent Reform Act of 2009.’...**[T]he substitute amendment would make the patent system more efficient, which would lead to savings for everyone who deals with the patent system...**These are compelling reasons for enacting the substitute amendment soon, a view that I hope is shared by Senate leadership.” -- *Richard C. Levin, President, Yale University, March 10, 2010*

“**The managers’ amendment achieves the goal of establishing a simpler, transparent patent system** by creating new post-grant review procedures of patents when they issue, strengthening the capabilities of the United States patent and Trademark Office, bringing more balance and predictability to patent infringement litigation, and moving the United States patent system into greater harmony with the rest of the world.” -- *3M, Boston Scientific Corporation, Cargill, Caterpillar, Ecolab, IMB, Medtronic, and Zimmer, Inc., March 9, 2010*

“**We believe the new manager’s amendment takes important steps to maintain and strengthen patent rights,** protections, certainty and value, which are the cornerstone of biomedical investment, innovation and job creation in our state.” -- *California Healthcare Institute, March 9, 2010*

“**Our companies believe that this managers’ amendment represents a balanced compromise.** The managers’ amendment achieves the goal of establishing a simpler, transparent patent system by creating new post-grant review procedures of patents when they issue, strengthening the capabilities of the United States Patent and Trademark Office, bringing more balance and predictability to patent infringement litigation, and moving the United States patent system into greater harmony with the rest of the world.” -- *Letter from 35 businesses in New Jersey, April 13, 2010*

Additional Support for Patent Reform

The Senate Judiciary Committee has previously released letters of support for the manager’s amendment to S. 515, the Patent Reform Act, from: The Coalition for 21st Century Patent Reform; Innovation Alliance; Biotechnology Industry Organization (BIO); Genentech; PhRMA; IBM; Microsoft Corporation; the American Intellectual Property Law Association; a higher education coalition consisting of the Association of American Universities, the American Council on Education, the Association of American Medical Colleges, the Association of Public and Land-Grant Universities, the Association of University Technology Managers, and the Council on Governmental Relations; the AFL-CIO; and the United Steelworkers.

Background on the Patent Reform Act

The Patent Reform Act was introduced in the Senate on [March 3, 2009](#), by Senator Patrick Leahy (D-Vt.) and Senator Orrin Hatch (R-Utah). The Senate Judiciary Committee held a hearing about needed reforms to the nation’s patent system on [March 10](#). The Committee considered amendments to the legislation during business meetings on [March 26](#) and [March 31](#), and on [April 2](#), a bipartisan majority of the panel voted to advance the legislation to the full Senate for consideration. A Committee Report to accompany the legislation was filed on [May 12](#).

On [March 4, 2010](#), Leahy, Hatch and others unveiled compromise legislation addressing outstanding concerns involving first-window post-grant review, inter partes review, willfulness, interlocutory appeals, PTO funding, and supplemental examinations. The amendment is also supported by Senators Jeff Sessions, Chuck Schumer, Jon Kyl, Ted Kaufman, and Kirsten Gillibrand.