

## **Patent Reform Will Create Jobs and Stimulate the Economy**

There is bipartisan agreement that the principal focus of patent reform should be the creation of jobs—the jobs that come when innovators gain access to needed capital for investing in and developing new products that require an expanded workforce to manufacture and market them. As Senators Leahy and Sessions stated in a letter to the editor of the New York Times in the last Congress.

Innovation and intellectual property-dependent industries drive our economy....We need to create the legal landscape that allows our innovators to flourish in the new economy, and we need to do it now.

A bipartisan agreement reached in the Senate last year, the Managers' Amendment to S. 515 (Managers' Amendment) would have updated our patent laws and spurred such innovation and investment - all without spending tax dollars.

The patent reform bill produced by this bipartisan agreement would have established a simpler, more objective and transparent patent system that would have enhanced the quality of patents and reduced the time from filing to grant. It carried forward the most important recommendations contained in Federal Trade Commission and National Academies of Sciences studies, first proposed in the 109<sup>th</sup> Congress and subsequently in the 110<sup>th</sup> and 111<sup>th</sup> Congresses, culminating in the bipartisan Managers' Amendment to S. 515.

The bipartisan Managers' Amendment would have created new post-grant review procedures and strengthened the capabilities of the United States Patent and Trademark Office. It would have reigned-in the subjective elements in the existing patent laws - factors that depend on an assessment of a party's state of mind at the time of an alleged infringement or at the time of filing a patent application. This would have brought the United States patent system into much greater harmony with the rest of the world. It also included a number of other improvements to the patent laws such as provisions to update and improve the patent marking statute.

This bipartisan Managers' Amendment was the result of extensive and inclusive legislative efforts, including many hearings in both chambers on a succession of bills to reform our patent system. The 112<sup>th</sup> Congress is presented with an opportunity to take advantage of the years of study and effort that has gone into refining and distilling the proposals to reform the patent laws.

Enacting such patent reform will foster new investments that will bring new high-wage, high-technology jobs for American workers. Its passage should be given the highest priority in the 112<sup>th</sup> Congress.

The Senate Judiciary Committee leadership and their staffs labored long and hard to craft the compromises reached in the bipartisan Managers' Amendment to S. 515, accurately depicted by its sponsors as "a comprehensive patent reform bill that benefits all corners of the patent community." The United States urgently needs the job creation and economic stimulus which enactment of such patent reform will bring.