

THE COALITION FOR 21ST CENTURY PATENT REFORM

Protecting Innovation to Enhance American Competitiveness

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Patent Reform Debate Highlights Senate's Focus on Jobs and Innovation

Coalition Urges Senate to Support S. 23 The America Invents Act

Washington, D.C. – Gary Griswold of the Coalition for 21st Century Patent Reform today released the following statement as the U.S. Senate scheduled to debate S. 23, The America Invents Act introduced by Chairman Leahy, Senator Grassley and Senator Hatch. The Judiciary Committee overwhelmingly approved S. 23 earlier this month; the legislation has 11 cosponsors.

“Our Coalition appreciates the focus and drive demonstrated by Chairman Leahy and his colleagues on the Judiciary Committee, particularly Senators Grassley, Hatch and Kyl. S. 23, The America Invents Act, is aptly named; throughout our history, the U.S. has been the global leader in innovation. Unfortunately, the rules guiding the U.S. Patent and Trademark Office are not keeping pace with inventors. S. 23 will provide the PTO with the tools it needs to help inventors by enhancing patent quality, improving the review process and curtailing the time patents wait for review.

Amendments to S. 23 are expected in the coming days. Our Coalition strongly supports Senator Coburn's amendment to end fee diversion. The diversion of fees paid by users to the U.S. Patent and Trademark Office is a tax on innovation. The PTO needs the authority to set its fees and retain them for their operations and service to inventors.

Our Coalition is concerned with a possible amendment that will strike the first-inventor-to-file provision of S. 23, or to otherwise make it conditional on further study. FITF has been studied for over 40 years and therefore any amendment to conditionally tie FITF to a study is an amendment to strike FITF! Moving our nation to a FITF system was one of the primary recommendations of the National Academies of Sciences in their comprehensive report on the nation's patent system. FITF is a building block for the other provisions in the bill, and it must be included unconditionally in the legislation. It will encourage practices that will facilitate protecting U.S. inventions in foreign markets and provide more certainty for all inventors. The Coalition opposes any effort to strike or conditionally implement FITF.

S. 23, properly amended, will help all of America's inventors; our Coalition urges the Senate to approve this bill and unleash the innovations of tomorrow that will improve society and create jobs.”

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The Coalition has approximately 50 members from 18 diverse industry sectors and includes many of the nation's leading manufacturers and researchers. The coalition's steering committee includes 3M, Caterpillar, General Electric, Johnson & Johnson, Eli Lilly and Procter & Gamble. The Coalition has members in a variety of industry sectors including: Aerospace and Defense, Chemical, Computers, Diversified Financials, Diversified Technology, Energy, Food Production, Forest & Paper Products, Health Care, Household & Personal Products, Industrial Equipment, Medical Equipment & Devices, Network & Communications, Payroll Services, Pharmaceutical, Biotechnology, Semiconductors & Electronic Components, and Transportation Equipment. Visit <http://www.patentsmatter.com> for more information.