



# US Patent Reform: Is it Within Reach?

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# The need for reform is growing

- Weakening economy
- Diversion of innovation resources to litigation issues
- Continuing crisis in patent quality
- Growing backlogs
- Increasing interconnectedness of products, components, technologies
- Global integration requires more harmonious systems

# Is the glass half-empty or half-full?

## ■ Reasons for Optimism

- FTC engagement
- Strong support in major industries
- Latest legislation moving quickly
- Administration commitment to transparency
- Recent court rulings

*“We cannot be in the 21st century with a 50 year-old patent system.”*

- Sen. Patrick Leahy

## ■ Reasons for Concern

- Lack of PTO engagement
- Past stalling of legislation
- Entrenched polar interests
- US falling behind in reform

*“At any time, but certainly as our economy remains in crisis, the last thing we should be pursuing are approaches that could undermine investments in our future.”*

- Coalition of labor unions

# Congress is actively seeking a legislative solution

## ■ 2007: Progress Stalled

- Passed by House but Senate never voted
- Presidential election intervened
- Venue, damages, inequitable conduct, post-grant opposition, AQS all unresolved

## ■ 2009: New Momentum

- Bi-cameral, bi-partisan bill introduced
- Senate hearings held quickly
- Venue, post-grant opposition appear resolved
- AQS omitted, inequitable conduct omitted for now
- Consensus building around approach to resolve damages issue

# Courts helping pave the way

	2007	2008	2009
Damages		Quanta	Gateway?
Venue		Volkswagen	
Obviousness	KSR		
Patentable Subject Matter		Bilski	

# Resolving related issues

- Deferred examination
  
- Innovation tools for patent quality and transparency are working
  - Peer to Patent
  - PQI
  
- Tri-lateral discussions on Research sharing
  - I.C.E.