October 16, 2014

Re: H.R. 5108, a bill to establish the USPTO Law School Clinic Certification Program

Dear Chairman Leahy and Ranking Member Grassley:

I am writing to express the views of the American Bar Association Section of Intellectual Property Law on H.R. 5108, a bill that passed the House on September 15 and is now pending in your Committee. The views expressed herein have not been submitted to the ABA House of Delegates or Board of Governors and should not be considered to be views of the Association.

The U.S. Patent and Trademark Office currently operates a Law School Clinic Certification Program under its administrative authority. The program enables law students enrolled in a participating law school’s clinic to practice intellectual property law before the USPTO under the supervision and guidance of a faculty practitioner. Students participating in the program gain experience in ex parte patent and trademark practice by counseling clients and representing them before the USPTO. The program also provides counseling services to small and independent patent and trademark filers who lack the financial resources to obtain traditional legal representation.

H.R. 5108 would expand the Program by making it available to all law schools accredited by the American Bar Association that meet the Program’s criteria for participation. The bill would give explicit Congressional recognition and approval of the Program, which would be effective for a period 10 years.

The Section of Intellectual Property Law supports the enactment of H.R. 5108 and urges that you take the necessary action to bring the bill to a favorable vote in the Senate.

Very truly yours,

Lisa A. Dunner
Chair, ABA Section of Intellectual Property Law