

AMERICAN BAR ASSOCIATION**SECTION OF INTELLECTUAL PROPERTY LAW**321 North Clark Street
Chicago, IL 60654-7598

(312) 988-5598

FAX: (312) 988-6800

E-mail: iplaw@abanet.orgwww.abanet.org/intelprop**CHAIR**
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Legislative Consultant
Washington, D.C.
gregoryh@staff.abanet.org

April 21, 2009

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

Dear Mr. Majority Leader:

On April 2, the Judiciary Committee ordered favorably reported S. 515, the Patent Reform Act of 2009. I am writing on behalf of the Section of Intellectual Property Law of the American Bar Association to urge that you schedule consideration of the bill in the Senate as soon as possible, and that the Senate promptly approve the bill. These views have not been submitted to the House of Delegates or Board of Governors of the ABA, and should not be construed as representing policy of the Association.

The patent laws of the United States are in need of substantial updating and reform to address 21st century changes and challenges in a manner that will allow our nation's inventors and innovation developers to thrive and succeed in an increasing competitive global economy.

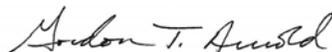
More than four years ago Congress recognized the need for such reform, and has worked long and hard since to develop a bill that will accomplish those reforms in a manner that will fairly and effectively address the greatly varying needs of all of the contributors in our country's innovation community.

The Section of Intellectual Property Law has participated in and strived to contribute to that reform effort since it began. We now believe that, for the first time in that four year effort, a bill exists that will effectuate the needed reforms. That bill is S. 515, as ordered reported by the Judiciary Committee on April 2.

In its recent consideration of S. 515, the Committee was able to find sensible and workable solutions to difficult issues that, without solution, stood in the way of enactment. If enacted, S. 515 would provide better ways for courts to determine compensation for damages when a patent has been infringed, more timely and cost effective administrative mechanisms for identifying and removing improperly issued patents, and appropriate rules for determining where a law suit is held to insure that the location is fair and convenient to the participating parties and witnesses.

We believe that still further improvements can be made in this legislation before final enactment, and that some technical amendments are still needed. We would be pleased to offer suggestions for such refinements. However, the perfect should not be the enemy of the good. We support the enactment of S. 515, as reported by the Judiciary Committee.

Sincerely,

**Gordon T. Arnold**
Chair