



Our Patent System Is Under Attack!

Proposed “reforms” weaken our Patent System, sound a death knell to our venture capital system, and trigger a dramatic decline in our ability to compete around the world.

The so-called Patent Reform Act of 2009 now before Congress proposes a major overhaul of our venerable Patent System, which should be of great concern to individual inventors and entrepreneurial companies as well as investors who back them and the American public at large.

While the proposed legislation in H.R.1260 and S.515 purports to deal with “abuses” in our Patent System, well-funded industry Goliaths who are promoting egregious changes have focused on the most extreme (and infrequent) examples to rush Congress into approving legislation that essentially throws the baby out with the bath water.

Moreover, the following Court rulings have already instituted major reforms:

eBay Decision (2006)

- Establishes compulsory licensing
- Makes Injunctions much more difficult to obtain
 - Individuals will be effectively denied this tool to stop infringement
 - Even manufacturers will have a tougher time obtaining injunctions

Medimmune Decision (2007)

- Allows licensee to attack the owner’s patents while asserting license against the owner
 - If licensee loses, it can continue to rely on the license
 - If licensee wins, it can avoid prior obligations under the license

KSR Decision (2007)

- Bar is significantly lowered for defendants to establish “obviousness” and invalidate patents. The proposed legislation must comprehend how these rulings will be implemented in the lower courts and our Patent Office.

Seagate (2007- CAFC)

- Bar is significantly raised for plaintiffs to establish willful infringement, making it easier for infringers to ignore patent owners.

Help the Patent Office improve the quality of patented innovations

Our Patent System has been a treasure to our country and deserves much better than a rushed passage of seriously flawed legislation. Lost in the pressure for hurried change is recognition of the additional support needed by the talented men and women who work in our Patent Office, for it is they who are charged with examining and issuing quality patents worthy of their constitutional basis. We need to help the patent office continuously improve the quality of the examination so that only worthy patents are issued.

Urge your colleagues and representatives to act now!

Alert your friends and business associates of the dire consequences that will come from the major reforms proposed by this Act. Urge them to join you in writing to their elected representatives to demand that they prevent this Act from weakening the very Patent System that has effectively fueled our country’s economic growth over the past century.

www.tplgroup.net/legislation

TPL’s website offers abundant resources to help you articulate your opposition to the Patent Reform Act.