11 March 2010

The Honorable Lamar Smith, Ranking Member
House Judiciary Committee
United States House of Representatives
2409 Rayburn House Office Building
Washington, DC 20515


Dear Congressman Smith,

IEEE-USA applauds Congress’ continued efforts to address concerns about the patent reform bill. However, while we commend the Senate’s recent efforts at compromise, we cannot support a bill which threatens to harm U.S. inventors and small businesses while not yet repairing the problems within the U.S. patent system. Compromise is a difficult process and we understand there must be frustration over the continued disagreements, but we appreciate your continued prudence and believe your commitment to and consideration of all stakeholders is important as you move towards true patent reform.

S. 515 does not address what IEEE-USA believes to be most harmful to patent quality – the funding and operational issues within the PTO which affect the cost, quality and latency of patents. Also, we remain concerned about the concession to transition to a first-inventor-to-file (FTF) system. This change – in combination with an extensive rewrite of section 102 that will cause decades of uncertainty as new case law is developed and a significantly restricted one-year grace period – has the potential to significantly harm U.S. innovation. American inventors and startup companies, the sources of most new domestic engineering and technology jobs, rely heavily on patent protection, and their needs and concerns should be more carefully considered.

Momentous changes to the patent law should not be made until Congress has seen research indicating the long-term effects on American businesses. Those who proposed and supported these changes should be willing to conduct a study and produce information, before Congress passes S.515, illustrating that FTF and restricted grace periods will have a positive impact on the domestic economy. Until such research is produced, IEEE-USA believes these sections of the law should remain unchanged.
Our 200 year-old patent protection system has proven to nurture an environment where new companies are able to form and create high paying jobs, the key contributors to economic recovery and U.S. competitiveness in the global markets. While not perfect, U.S. intellectual property protection, more than any other, has protected the investments of our innovators and entrepreneurs, and contributed to our leadership among world economies.

We thank you for your attention to these important issues. If we can be of any assistance, or if you have any questions and would like further details, please do not hesitate to contact Erica Wissolik at (202) 530-8347 or e.wissolik@ieee.org.

Sincerely,

Evelyn Hirt
2010 President, IEEE-USA

Keith Grzelak, M.S.E.E., J.D.
2010 Chairman, IEEE-USA Intellectual Property Committee