

REVIEW OF RECENT JUDICIAL DECISIONS
ON PATENT LAW

HEARING
BEFORE THE
SUBCOMMITTEE ON
INTELLECTUAL PROPERTY,
COMPETITION, AND THE INTERNET
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ONE HUNDRED TWELFTH CONGRESS
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(III)

REVIEW OF RECENT JUDICIAL DECISIONS ON PATENT LAW

THURSDAY, MARCH 10, 2011

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTELLECTUAL PROPERTY,
COMPETITION, AND THE INTERNET,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 1:06 p.m., in room 2141, Rayburn Office Building, the Honorable Bob Goodlatte (Chairman of the Subcommittee) presiding.

Present: Representatives Goodlatte, Coble, Sensenbrenner, Issa, Poe, Reed, Griffin, Adams, Quayle, Watt, Conyers, Chu, and Nadler.

Staff present: (Majority) Blaine Merritt, Subcommittee Chief Counsel; Olivia Lee, Clerk; and Stephanie Moore, Minority Counsel.

Mr. GOODLATTE. Good afternoon. The Subcommittee will come to order.

I have a statement. At the outset I want to express my surprise, as well as delight, that the other body has acted so expeditiously on their Patent Reform Bill. I look forward to continuing to work with Chairman Smith, Ranking Member Watt and other Members of the Judiciary Committee to fashion the House bill. This is the closest we have come in the past 6 years to enacting comprehensive patent reform and I am optimistic that we can get a bipartisan, bicameral bill on the President's desk in the near future.

Whatever the fate of patent reform in the coming weeks, we can all agree that Congress has found it difficult to enact a truly comprehensive reform bill. Why? The answer is twofold. First, different versions of the legislation have addressed many core provisions of the Patent Act. And second, a number of different stakeholders use the patent system in different ways. Businesses that devote significant resources on research and development have a greater financial need for patent protection than those spending less on R&D. In addition, some companies may generate one or two clearly understood patents that define an entire product while others, in the software or tech realms, may develop products that contain hundreds or even thousands of patents. In addition, many industries practice their patent portfolio defensively while other industries and patent-holding companies tend to go on the offensive to pursue their patent rights.

(1)

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