

MEMORANDUM

January 23, 1980

TO: Senator
FROM: Joe
RE: Tomorrow's Independent Patent Office Hearing
COPIES: Kevin, Mary, Linda, Tom, Eve, Press, Bob B., David B., Ann M.
Leg (2) and Indiana Dept.

You will be chairing hearings tomorrow, along with Senator Danforth, on your bill to create an Independent Patent and Trademark Office, S. 2079. Danforth has promised to push this in Governmental Affairs which has the bill with a sequential referral to Judiciary. Tomorrow's hearings will be by both Committees.

The witnesses will include all but 2 of the living former Patent and Trademark Office Commissioners. The 2 who could not attend are in their 80's and have sent a message of support for your bill. All of the Commissioners will be speaking out strongly for S. 2079.

The American Patent Law Association has said that they want to feature a picture of you with the former Commissioners in their upcoming newsletter. This is a great idea and our press department will photograph you before the hearing. We should also feature a patent mailing with this picture.

You are receiving over 40 letters a week from businesses, patent associations, and even labor unions supporting making the PTO independent. The only opposition to this idea will come from Commerce who will probably say that although they have erred in the past they have now seen the light. We have some tough questions to ask Commerce which will make it obvious that there is simply no reason to continue the present relationship and that unless forceful action is taken to make the PTO independent the problem simply cannot be solved. For your information we have not invited the present PTO Commissioner Sidney Diamond at his own request because "I would have a size 10 muzzle on."

Representative Kastenmeier, whose Subcommittee in House Judiciary has jurisdiction over patents, is apparently very excited over this bill. He is indicating that he will be holding hearings in March on all of the pending patent bills like your patent policy bill and the reexamination bill which have companions in the House. Kastenmeier's staff is talking about trying to tie all of these patent bills into a package which might make sense in the House because of the early adjournment. Still it would be good for you to call the Congressman and discuss timing. Another issue that is important to Kastenmeier is Jack Valenti's request for changes in the copyright law. It might be possible to reach an understanding about him helping you over there and you working in Judiciary on this copyright bill.