

To: Senator

From: Joe

Re: Your Independent Patent and Trademark Office bill

Aug 25, 1980

cc: Kevin, Mary, Linda, Tom, Eve, David B, Press, Bob, Ann M, Leg, Ind

The House Judiciary Committee accepted an amendment offered by Rep Railsback and supported largely by Republicans that would set-up the Patent Office as an independent agency which was identical to your bill.

The bill that this was attached to was the Administration's version of patent policy and reexamination that have passed the Senate as two bills introduced by you.

The Commerce Dept is trying to pull out all of the stops to kill this amendment. Rep. Railsback is meeting with Sec. Klutznick tomorrow morning and wants to know if you could accept this in conference. The only reason that I can see for not accepting is the reaction of Sen. Ribicoff and the Senate Governmental Affairs Committee which has jurisdiction over your bill and has not moved it. If this amendment is to stay in the House bill I must let Railsback's staff know by tomorrow morning what your position is. Could you call Sen. Ribicoff today and ask him what his reaction would be if you accepted the Independent Patent and Trademark Office amendment in conference?

The important points to make are: 1. this does not set up any new bureaucracy but merely allows the present Office to run without undue interference: 2. Estimations are that the cost would be only an additional \$150,000 to set the Office up, 3. the concept has across the board support by the bar, large and small business, and by every former Commissioner and is opposed only by the Department of Commerce.

This is by far the most important patent issue that you have gotten into. The business community is delighted that your idea has gotten as far as it has and the indications are that by lumping this amendment together with the Administration's bill that the President could not veto it if the bill goes to him before the election.