

JUD.- Patents/jad
MEMORANDUM

TO: Senator
FROM: Joe
DATE: September 13, 1979
RE: Chicago Patent Law Dinner, November 7
cc: Kevin, Mary, Linda, Jessica, Tom, Eve, Jim, Bob, Ann, Leg(2), Ind. Dept.

You have been invited to address the annual Chicago Patent Law Association's Judges Dinner on November 7. This is a very prestigious black tie affair which is expected to draw from 500-600 patent lawyers, many of whom represent very important companies in the Midwest. Many of the most important Indiana patent lawyers belong to the Chicago Patent Law Association and should be attending.

I think that this would be a great opportunity for you to make a major business address citing your involvement (and leadership) in the problem of innovation and productivity. I think that you should also announce that you are going to introduce legislation as soon as you return to Washington to make the Patent and Trademark Office an independent agency, separate from the Commerce Department.

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I have been feeling out the reaction to such an announcement and I believe that it will create a sensation of support from many of the most important parts of the business community both large and small. There is a growing disgust of the lack of support and interest by the Commerce Department in maintaining a strong patent system. One example of this is the undercutting of your efforts to increase the Patent and Trademark Office budget by the Commerce Department. There has been a lot of discussion of this topic for many years, but I think that a consensus has now been reached that we will never have a strong Patent Office under the present system.

Predictably, the Commerce Department and the Administration will be less than supportive.

There is also a growing support of the patent system on the Hill as evidenced by the interest that your two patent bills have received. Senator Stevenson has held hearings reviewing the problems of the patent system and was upset when the American Patent Law Association asked you to introduce S. 1679, the Patent Reexamination bill, instead of him (the bill should pass easily). The House Science and Technology Committee has created a patent taskforce trying to get in on the action created by S. 414, the University and Small Business Patent Procedures Act, which you introduced and which should be marked up in October. Senator Nelson has also circulated an omnibus small business bill which would include S. 414 because of its wide small business support.

I think that there are a number of people who would be delighted to support creating an independent patent office and it will be an important business issue for you. I talked with a representative of Eli Lilly and Co. who said that they were delighted by your activism in the patent area and that they had never previously considered you to be friendly to these business issues.

The press department should be able to play up your announcement of this bill, if you agree, into an important policy statement and I can assure you that the Chicago Patent bar will be happy that you chose their dinner to announce this idea and that you will receive a great deal of support from them.

Confidentially, the Patent Office will help us make our case. Former Patent Commissioner Banner just resigned in July because of his inability to receive any support from Commerce. He has been working to drum up support for an independent Patent Office and was considered to have been one of the most effective patent commissioners and will be very useful to this effort.