

Innovation Alliance Statement on Senate Passage of H.R. 1249, The Leahy-Smith America Invents Act

September 8, 2011

Innovation Alliance Executive Director Brian Pomper released the following statement today on Senate passage of H.R. 1249, the Leahy-Smith America Invents Act:

"Throughout the long history of congressional consideration of patent legislation, the Innovation Alliance has tried to play a positive role in advocating for changes to the bill we believed would better promote American innovation and help create American jobs. To their credit, Chairman Leahy, Ranking Member Grassley, Chairman Smith, Ranking Member Conyers, Chairman Goodlatte and Ranking Member Watt, Senators Kyl, Feinstein, Coburn, and other congressional leaders too numerous to list have time and again listened to our concerns and the concerns of others and attempted to adjust the legislation to meet those concerns. We believe the end result the Senate passed today is a stronger bill for their efforts, and we commend them for their leadership and unwavering commitment to trying to get the policy right.

"Now that the Leahy-Smith America Invents Act is on its way to be signed by the President and enacted into law, patent stakeholders will turn their attention to its implementation. The Innovation Alliance looks forward to working with the Administration and the Congress to ensure that the Act is implemented and interpreted in ways that maximize its ability to foster innovation and continue America's role as the most creative and productive economy in the world.

"The Innovation Alliance regrets that the Act does not end once and for all the diversion of patent office user fees for general federal government purposes. Ending fee diversion is the one issue in this debate that has united all patent stakeholders and most policymakers. We believe that as long as the possibility of fee diversion continues, the United States Patent and Trademark Office (USPTO) cannot reliably make multi-year plans, hire and retain personnel, and improve operations and information technology, all of which are critical to processing the nearly 700,000 patents in the backlog of pending patent applications. Delayed patent issuance is tantamount to foregone innovation and unrealized American jobs. The Innovation Alliance remains committed to continuing our efforts in conjunction with other patent stakeholders to ensure that the USPTO retains all of the user fees it earns."

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