

MEMORANDUM

TO: Senator *file*
FROM: Joe
DATE: November 9, 1979
RE: Proposed Witnesses for hearing on S. 1679, Patent Reexamination
cc: Kevin, Mary, Linda, Tom, Eve, David B., Press, Bob, Ann M., Leg (2),
Indiana Department

You are scheduled to chair hearings before the full Judiciary Committee on your bill, S. 1679, the Patent Reexamination Act, on November 30. This bill has virtually unanimous support among the patent bar and with large and small businesses. We should be able to put together a very good witness list in support of the bill. Some potential witnesses could include:

Donald Dummer - President, American Patent Law Association (who was at the Chicago Patent Law Association dinner that you addressed)

Mr. Donald Banner - Former Commissioner of Patent and Trademarks

Mr. Morton Goldberg - Chairman of the ABA's Patent and Trademark Section which has unanimously endorsed S. 1679

Mr. Bob Bentsen - Former ABA Patent Section Chairman, the author of S. 1679, Chairman of the Domestic Policy Review's Subcommittee on Patents, and patent counsel for Allis Chalmers

Assistant Secretary of Commerce Baruch - presented the President's innovation package to the Congress, one part of this was patent reexamination, the President will either endorse your bill or recommend one almost identical.

Dick Whale - Patent counsel for Eli Lilly and Chairman of the National Council of Patent Law Association (he was also in Chicago when you spoke)

Eric Schellin - Chairman of the Board of Directors, National Small Business Association, who is also very supportive of the bill

Mr. Paul L. Gomory - Association for the Advancement of Invention and Innovation, an enthusiastic supporter of your bill.

I also have two good leads on small business "horror stories" where the cost of litigating patents in the courts was used to blackmail small businesses into allowing infringements on important patents.

Many of these people could be combined in panels, but all of these people would represent important constituencies who support your bill. There are some procedural questions about reexamination but hardly any opposition to the general concept. The patent bar is working behind the scenes to work out the differences in private so they can present a united front at the hearings.