

*Mark E. ...*

**Statement of Senator Grassley on Hearing “Oversight of the United States Patent and Trademark Office: Implementation of the Leahy-Smith America Invents Act and International Harmonization Efforts,” June 20, 2012**

Mr. Chairman, thank you for holding this hearing. It’s appropriate that the Committee conduct oversight on how the implementation of the Leahy-Smith America Invents Act is proceeding. Director Kappos, we’re pleased to hear from you today. Welcome.

The United States is probably the most talented, creative country in the world, and a transparent and up-to-date patent system only enhances the innovative spark and entrepreneurship for which our country is known and admired. Without a top-notch patent system, entrepreneurs and inventors have fewer incentives to invest in, discover and develop new technologies and products, which in turn result in spurring growth in our economy and creating much needed jobs for Americans.

The Leahy-Smith America Invents Act is the most comprehensive reform to our patent laws since the 1836 Patent Act. This law is the product of over 6 years of intense negotiations between a bipartisan group of legislators – led here in the Senate by Chairman Leahy and Senator Hatch – and industry, academic and other stakeholders, all working with a common goal in mind – to bring our patent system up to the 21<sup>st</sup> century and to make it the best in the world.

The America Invents Act makes the U.S. patent system more efficient and streamlined. It cuts down on frivolous lawsuits, enhances transparency and patent quality, and improves certainty in the patent process. The reforms contained in this law have helped the Patent Office cut down its backlog and process patent applications in a more expeditious manner.

The America Invents Act contained a number of provisions that required the Patent Office to promulgate rules and regulations. So we're holding this hearing today to learn whether the legislation is being implemented in accordance with Congressional intent. We want to ensure that the legislation will do what we intended it to do – streamline and make the patent process more efficient, improve patent quality, and reduce the patent application backlog. We also want to determine whether the legislation has produced any discrepancies, difficulties, or unintended consequences that have been revealed during the implementation process. So I believe it's appropriate to ask whether technical, clarifying or other changes to the legislation are warranted at this time. If so, I expect to work with my colleagues in a transparent and open manner to improve the America Invents Act in hopefully a non-controversial, consensus fashion.

In addition, it's important that American patent holders enjoy the benefits of international treaties and harmonization. We should do what we can to help facilitate and simplify registration abroad and reduce costs for multinational patent protection. In 2007, the Patent Law Treaty and the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs were ratified by the Senate. The Senate now needs to pass implementing legislation in order for the United States to become a member to these treaties. I look forward to hearing more about these treaties and how they can help American patent holders.

I'm pleased to join with Chairman Leahy and my Senate Judiciary colleagues, our House Judiciary counterparts, and the Patent Office in making sure that the implementation of the America Invents Act proceeds in a timely fashion and in accordance with the intent of Congress. Thank you, Mr. Chairman.