

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
April 2, 2009

Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Executive Business Meeting
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Today, I hope to see the Committee conclude its work on the Patent Reform bill, and report it to the Senate. Patent reform is an important way that this Committee can contribute to restoring our economic engine and supporting economic recovery.

Earlier this week I thanked Senators for working together on a compromise. Patent reform is urgently needed. We need to move forward. Over the last couple of days we have reached agreement on issues that had prevented the bill from moving forward. I will include in the record the letters and statement of support for our compromise, including those from the Coalition for Patent Fairness, the Coalition for 21st Century Patent Reform, the Association of American Universities, the American Intellectual Property Law Association, Pharmaceutical Research and Manufacturers of American and the Biotechnology Industry Organization. Today I will begin by offering a Leahy-Specter-Feinstein-Cornyn-Whitehouse-Kaufman amendment on damages, post-grant review, venue, and other issues.

This compromise represents an important step forward. It includes the "gate keeping" concept that Senators Feinstein and Specter have worked hard to develop. It is a provision that will provide juries with more direction on the appropriate legal standards that apply in a given case. It is true that I would have gone farther. One of the problems with patent litigation today is the lack of guidance given to juries. But another is that courts simply are not focusing on the essence of the invention. The Supreme Court recently reminded us that, "the primary purpose of the patent law is not creating private fortunes but to promote the progress of science." Senator Specter pointed out earlier this month that there remain important cases that bear on how damages are calculated. I hope they move the law toward compensation for what the actual invention is.

I understand that there have been several additional amendments circulated. I would urge Members to offer only those amendments they feel necessary today so that we can complete our work on this important bill.

I now offer the Leahy-Specter-Feinstein-Cornyn-Whitehouse-Kaufman amendment GRA09451.
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