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April 19, 2013

Senator Patrick Leahy
United States Senate
437 Russell Senate Bldg
Washington, DC 20510

Senator Charles Grassley
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510-1501

Subject: Nomination of Raymond Chen
to Court of Appeals for Federal Circuit

Dear Senators Leahy and Grassley,

I write to you today in support of Raymond Chen, who you are currently considering based on the President's nomination of Mr. Chen to serve on the US Court of Appeals for the Federal Circuit. Mr. Chen is simply a superbly qualified candidate, and I urge his confirmation.

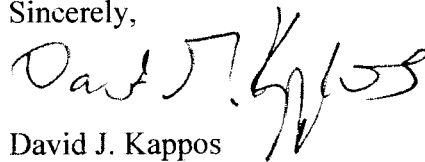
In my role as Director of the USPTO from August 2009 until January 2013, I had the opportunity to work closely and extensively with Mr. Chen on a wide range of matters encompassed by his role as Solicitor of USPTO. As Solicitor, Mr. Chen serves as USPTO's top advocate on all issues the Agency litigates in front of the Federal Circuit. He thus understands deeply the body of law entrusted to the Federal Circuit and indeed has helped shape it through his advocacy. Mr. Chen also fully appreciates the administration and processes of the Federal Circuit, having interacted with it extensively for years.

During the course of my experience working directly with Mr. Chen, we collaborated in setting appeal strategy, planning appropriate policy, writing and editing briefs, preparing for oral arguments, managing the many lawyers who report to Mr. Chen,

devising and delivering guidelines, rules, and educational materials to PTO's 7000+ patent examiners, and numerous other activities. Throughout all of the extensive matters on which I worked with Mr. Chen. I experienced first hand his sharp intellect, broad and extensive understanding of the patent laws as well as other IP Laws and laws of federal procedure, tenacious advocacy, keen listening and questioning, interest and curiosity for fully understanding issues as predicate to decision-making, and steady, thoughtful demeanor in all circumstances.

Mr. Chen's unique set of skills makes him an ideal nominee to the Federal Circuit. I simply could not imagine a better person to join the Court at a time when intellectual property generally and patents in particular have taken on such primary for our nation. Thank you for considering my views, for your leadership, and for your positive consideration of Raymond Chen's nomination to serve on the Court of Appeals for the Federal Circuit.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Kappos", written in a cursive, flowing style.

David J. Kappos

April 19, 2013

Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Leahy and Senator Grassley:

I write in strong support of Raymond T. Chen's nomination to serve as a United States Circuit Judge on the United States Court of Appeals for the Federal Circuit. I understand that the Senate Judiciary Committee will conduct a hearing on Mr. Chen's nomination this coming Wednesday, April 24, 2013 in an effort to fill one of the two vacancies on the Federal Circuit.

By way of introduction, I am the Managing Partner of Knobbe, Martens, Olson & Bear, LLP. With over 275 lawyers and scientists nationwide, Knobbe Martens dedicates its practice to all aspects of intellectual property law including litigation. The lawyers at my firm regularly practice before the Federal Circuit. But more importantly, after graduating from New York University School of Law in 1994, Mr. Chen joined Knobbe Martens as an associate and I had the privilege of working with him every day during his time at the firm.

It was clear to me and others at my firm, even at that early stage in Ray's legal career, that he was destined to accomplish great things in the field of intellectual property. Ray is strikingly intelligent, grasps issues quickly, separates the wheat from the chaff and develops and readily implements creative solutions to problems. He left my firm to serve as a technical advisor for the Federal Circuit. He has excelled at every step in his intellectual property career, rising to the level of Deputy General Counsel of Intellectual Property Law and Solicitor for the United States Patent and Trademark Office.

More importantly, Ray possesses unparalleled communication skills and is comfortable working with individuals at every station, from individuals serving at the highest levels of government and attorneys in private practice, to administrative support personnel. Ray's extensive experience in both the private and public sectors will serve him well on the bench. His broad background in intellectual property law, and his calm demeanor and temperament, will assist him to thoughtfully interpret and objectively construe patent laws passed by Congress.

Ray is very familiar with the Federal Circuit, its broad and important jurisdiction, and its growing caseload. In addition to serving as a technical assistant for the Court before joining the Patent and Trademark Office, Ray has personally argued numerous cases before the Court including ground breaking cases. Ray is a leader that the entire intellectual property community looks up to and respects. He is perfectly suited to serve on the Court and would make a long-lasting contribution

Throughout my career, I have had the pleasure of working with hundreds, if not thousands of attorneys in the intellectual property field. Ray is one of the best. He embodies the prestige and wisdom worthy of sitting on the Court. I strongly encourage that Ray be promptly approved by the Senate Judiciary Committee and confirmed by the Senate. Please feel free to contact me at your convenience to discuss any other information you would like about Ray Chen.

Sincerely,

A handwritten signature in black ink, appearing to read "S. J. Nataupsky", written in a cursive style.

Steven J. Nataupsky

April 19, 2013

**The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510**

**The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510**

Dear Chairman Leahy and Senator Grassley:

We write in support of Ray Chen to be confirmed as a judge on the United States Court of Appeals for the Federal Circuit. Both of us have served as the Solicitor of the United States Patent and Trademark Office (USPTO), the position that Ray now holds. Both of us have worked closely with Ray for several years on a variety of matters. We know Ray very well, personally and professionally. As discussed below we strongly believe Ray has excellent knowledge of intellectual property law and appellate practice, has dedicated his career to public service and the improvement of the intellectual property system, has a judicial temperament, and is a person of unmatched integrity.

Ray is one of the best intellectual property lawyers in the country. He has argued dozens of cases before the Federal Circuit, and overseen hundreds of similar cases argued by his staff. In addition, Ray has worked with the Solicitor General of the United States on numerous intellectual property-related cases before the United States Supreme Court. Ray has also been vital in implementing two major patent statutes, the recent American Invents Act (2012) and the American Inventors Protection Act (1999).

Substantially all of Ray's legal career has been dedicated to public service and to the improvement of the intellectual property system. Ray has worked at the USPTO for fifteen years, and, prior to joining the USPTO, he served for four years at the Federal Circuit in a staff attorney position where he responsible for the legal and technical accuracy of Federal Circuit opinions in all areas of the Court's jurisdiction.

Ray has an excellent temperament, one particularly suited for serving the country as a judge. He approaches issues and cases one at a time, he is inclusive in listening to all views, he weighs the various arguments, and arrives at a position that is sound and reasoned. He is very well liked and respected by all who know him and work with him, including the large staff he supervises. He is equally well liked and respected by the attorneys against whom he and his staff have argued.

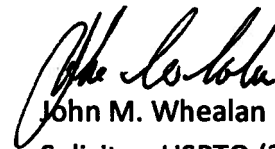
Finally, Ray is a person of unmatched integrity. We have known Ray for most of his legal career and have watched him grow into the fine person and lawyer he is today. He has an unimpeachable moral character which was bestowed on him by his parents, and which he and his wife are now passing on to their two wonderful children.

In sum, Ray will make an excellent Federal Circuit judge if confirmed by the United States Senate. The country, the Federal Circuit, and the bar will benefit greatly by his continued and dedicated public service to the law. Please feel free to contact us if we can be of further assistance.

Sincerely,



Nancy J. Linck
Solicitor, USPTO (1994-1998)



John M. Whealan
Solicitor, USPTO (2001-2008)

Contact information:

Nancy J. Linck
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April 22, 2013

The Honorable Patrick J. Leahy
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member, Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman Leahy and Senator Grassley:

I am pleased to write in support of the nomination of Raymond T. Chen to be a judge of the Federal Circuit Court of Appeals.

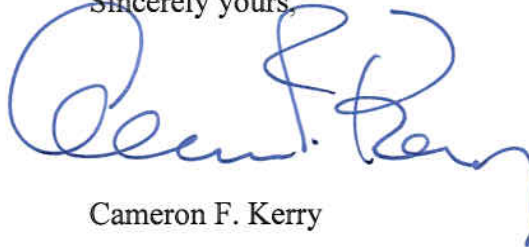
As General Counsel of the United States Department of Commerce, I have had occasion to work closely and frequently with Ray Chen. As you know, under 35 U.S.C. § 1, the United States Patent and Trademark Office is "subject to the policy direction of the Secretary of Commerce" A significant part of this policy direction occurs in the context of appellate litigation in the federal courts, and therefore requires close interaction between the Commerce Office of General Counsel and the Office of Solicitor at the USPTO.

Accordingly, I have had the opportunity to work with Raymond Chen on a number of cases that are significant to the development of intellectual property law. One that particularly stands out is *Bilski v. Kappos* from the Supreme Court's 2009 Term, part of an ongoing conversation among the judiciary, the Patent Office, and patent stakeholders about the scope of patentable subject matter. In that case, involving the validity of a business method patent, Ray Chen argued and prevailed in the Federal Circuit, and in the Supreme Court was a vital part of the government's team. The Solicitor General recognized the contributions his knowledge of the record, of the patent examination process, and of patent cases made to the government brief and moot courts by asking him to sit at counsel table (a rare honor for agency counsel), and the Secretary of Commerce recognized the importance of these contributions to a unanimous result from the Court by awarding Ray and the team he led the Secretary's Gold Medal Award (Commerce's highest honor).

This quality of work and intellectual leadership has been reflected in other cases on the Supreme Court's busy patent and intellectual property docket and numerous other cases at the Federal Circuit and other federal courts. As an advocate in court and in the government's interagency consultations, Ray has been committed and forceful but always courteous and thoughtful — exactly the attributes that one would like to see in a judge.

As a law clerk to United States Circuit Judge Elbert Tuttle in the old Fifth Circuit, I had the opportunity early in my legal career to see a great court and great judges in action. As a courtroom advocate since then, I have been before a range of judges. I know that Raymond Chen's combination of legal skills, personal attributes, and practical knowledge will make a great addition to the Federal Circuit.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Cameron F. Kerry". The signature is fluid and cursive, with a large initial "C" and "K".

Cameron F. Kerry

**TESTIMONY BEFORE THE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

**FOR THE HEARING ON THE NOMINATION OF
RAYMOND T. CHEN,
TO BE UNITED STATES CIRCUIT JUDGE FOR THE
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

APRIL 24, 2013

**BY THE
NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION**

The National Asian Pacific American Bar Association (NAPABA) submit this testimony to extend its support for Raymond T. Chen, nominee to be United States Circuit Judge for the United States Court of Appeals for the Federal Circuit. Mr. Chen has the experience, intellectual capacity, integrity, and judicial temperament to serve as an exceptional circuit court judge.

NAPABA is the national bar association representing the interests of Asian Pacific American attorneys, judges, law professors, and law students. NAPABA represents the interests of over 40,000 attorneys nationally and over 60 local Asian Pacific American bar associations. Its members include solo practitioners, large law firm lawyers, corporate counsel, legal service and nonprofit attorneys, judges, and lawyers serving at all levels of government. Through its national network of affiliates and committees, NAPABA provides a strong voice for increased diversity of federal and state judiciaries, advocates for equal opportunity in the workplace, seeks to eliminate anti-Asian crime and anti-immigrant sentiment, and promotes professional development of minorities in the legal profession.

Out of the approximately 175 active federal appellate court judges, there are currently only two who are Asian Pacific American.¹ If the number of Asian Pacific American federal appellate court judges approximated the percentage of Asian Pacific American residents nationwide, then there should be 11-12 Asian Pacific American federal appellate court judges.

If confirmed, Mr. Chen would also become the first Asian Pacific American to serve on the Federal Circuit in over 25 years. Given the number of Asian Pacific Americans practicing in the field of intellectual property, having an Asian Pacific American serve on this Court is particularly important to NAPABA.

¹ Sri Srinivasan had his confirmation hearing for the D.C. Circuit on April 10, 2013. NAPABA urges the Senate to confirm Mr. Srinivasan promptly.

Mr. Chen has had a distinguished career and would be able to make an immediate mark on the Court. Since 2008, Mr. Chen has served as the Deputy General Counsel for Intellectual Property Law and Solicitor for the U.S. Patent & Trademark Office (“PTO”). In that role, he has overall responsibility for supervising all litigation handled by the PTO. In addition, he coordinates and participates in discussions with other parts of the federal government in determining the positions that should be taken by the government in intellectual property litigation throughout the country. Prior to his appointment as Solicitor, Mr. Chen served as an Assistant Solicitor in the Solicitor’s Office for 10 years. In those positions, Mr. Chen has argued over 25 appeals before the Federal Circuit, and submitted briefs on behalf of the PTO in countless other cases. Mr. Chen also served as a Senior Technical Assistant for the Federal Circuit from 1996 to 1998, where he helped the Federal Circuit Court Judges with research issues and edited opinions for legal and technical accuracy. Thus, through these various positions, Mr. Chen has developed an intimate knowledge of the Federal Circuit and the issues facing that court.

Mr. Chen is also well-regarded in the profession. He received the Attorney of the Year Award General at the PTO’s Office of the Solicitor in 2002, a Gold Medal Award from the U.S. Department of Commerce in 2011, and a Bronze Medal Award from the Commerce Department in 2005. He is a frequent speaker and lecturer on intellectual property law issues, including seminars at Stanford Law School, Duke University School of Law, Howard University School of Law, Catholic University School of Law, Suffolk University Law School, Rutgers Law School, University of Maryland School of Law, University of Washington School of Law, American University Washington College of Law, George Washington University Law School, and Cardozo Law School. Significantly, Mr. Chen also has participated in international exchanges to promote the protection of intellectual property abroad. Toward that end, he has spoken in China, Germany, Japan, and Thailand.

Along with his professional accomplishments, Mr. Chen has continued to take part in community activities. He is the Executive Advisor for the U.S. Patent & Trademark Office’s Asian Pacific American Network. He is a frequent speaker at Asian Pacific American events, including panels organized by NAPABA or its local affiliate, the Asian Pacific American Bar Association of the Greater Washington D.C. Area. He also coaches a boys’ basketball team in a recreational league, and helps in annual efforts to assist the homeless and children affected by war.

Like many American families, Ray’s family immigrated to the United States to seek a better education and greater opportunities. Both of his parents obtained Ph.D.s in New York, and worked there for several years. During that time, Ray was born. The family later moved to Pasadena, California, where both parents worked at various times for Jet Propulsion Labs – his father as a guidance and control engineer and his mother as a software systems engineer. Growing up, Ray worked at McDonald’s part-time and stayed one year after college to earn money for law school. His years in Southern California have made him a die-hard UCLA basketball fan (which he claims has led to the detriment of his mental health).

Raymond Chen would make an immediate contribution as a federal circuit court judge. His qualifications, integrity, intellect, and knowledge of the Federal Circuit are impeccable. Accordingly, the National Asian Pacific American Bar Association extend its strong support and urge for the speedy confirmation of Raymond T. Chen for the United States Court of Appeals for the Federal Circuit. Thank you for considering this testimony today.

The Federal Circuit Bar Association

BENCH & BAR

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April 19, 2013

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Re: Nomination of Raymond T. Chen as Circuit Judge,
U.S. Court of Appeals for the Federal Circuit

Dear Senators Leahy and Grassley:

We write to voice strong support for the nomination of Raymond T. Chen to fill a vacancy on the U.S. Court of Appeals for the Federal Circuit. We understand that the Senate Judiciary Committee will conduct a hearing on Mr. Chen's nomination this coming Wednesday, April 24, 2013.

The U.S. Court of Appeals for the Federal Circuit presently has two openings. With the new America Invents Act, we anticipate that the Federal Circuit's case load will grow. A favorable vote by the Judiciary Committee on Mr. Chen's nomination at the earliest possible date would greatly facilitate the work of this court. The court is essential to our nation's innovation and job creation through its review of patents, government contracts, trade disputes, and various other matters.

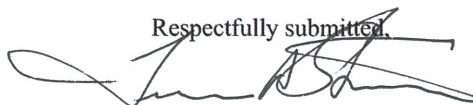
The Federal Circuit Bar Association is a national organization that supports the Federal Circuit and its related practice communities. Our members are from all parts of the country and seek to serve the court. To this end, we work to unite the different interests practicing before the Circuit and the tribunals which it reviews. The Association provides a forum for dialogue among the court, bar, government counsel, and private practitioner members. Government practitioner members have not participated in the preparation or submission of this letter.

Mr. Chen has long been an active member of the patent bar and our Association. He has been the Solicitor of the United States Patent and Trademark Office ("PTO") since 2008. Before then, Mr. Chen served as an Associate Solicitor at the PTO and on the technical staff of the United States Court of Appeals for the Federal Circuit, the court to which he has been nominated. Mr. Chen practiced law in California before working at the Federal Circuit. In addition to our Association, he is a member of the Federal Circuit's Advisory Council and the National Asian Pacific American Bar Association.

Many members of our Association have worked closely with Mr. Chen on a broad range of patent matters. We know from personal experience that Mr. Chen has the experience and expertise to perform at the highest level at the Federal Circuit. Mr. Chen also has extensive experience with and appreciation of the administration of the Federal Circuit. Mr. Chen's unique experience and skills will make him an excellent addition to the court.

If we can provide further information, please do not hesitate to contact me, tstewart@stewartlaw.com, 202-466-1241, Robert K. Huffman, Chair of our Judicial Nominations Committee, rhuffman@akingump.com, 202-887-4530, or James E. Brookshire, our Executive Director, brookshire1@fedcirbar.org, 202-558-2421.

Respectfully submitted,



Terence P. Stewart