

EXECUTIVE SUMMARY

THE HONORABLE JON W. DUDAS

**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE**

“Committee Print Regarding Patent Quality Improvement”

APRIL 28TH, 2005

- In the last several years, intellectual property (IP) assets have become an ever more essential ingredient of economic vitality. As the clearinghouse for U.S. intellectual property rights, the U.S. Patent and Trademark Office (USPTO) is an important catalyst for U.S. economic growth. Through the grant of patents and the registration of trademarks, the USPTO promotes the economic vitality of businesses and entrepreneurs, paving the way for investment capital, research and scientific development.
- We are proud of our 200-year-old legacy of partnership with America, providing the tools for our nation to become a technological and economic giant. To continue this partnership, we must remain the best patent-examination system in the world. To ensure ongoing success, the USPTO must focus on improved quality and productivity. To ensure timely grant of rights, we must reduce our backlog of patent applications by increasing our efficiency and taking advantage of our automation efforts.
- The improvement of the patent system for the 21st century has several components: Some require legislation, while others can be accomplished by the USPTO through rule making. Several initiatives in the committee print were also part of our Strategic Plan, including expanding the early publication of patent applications at 18 months, assignee filing, and post-grant review. We appreciate these being included in your legislative draft.
- We look forward to working closely with the Subcommittee as the Committee print moves forward, especially since the USPTO will be the Federal agency responsible for conducting these proceedings.
- The USPTO shares the Subcommittee’s commitment to ensure that our practices and policies promote invention and dissemination of new technologies. While we work to improve our system by internal reform of USPTO operations, we realize that additional measures within the domain of Congress can also make invaluable contributions.

STATEMENT OF
THE HONORABLE JON W. DUDAS
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE

SUBCOMMITTEE ON COURTS, THE INTERNET, AND INTELLECTUAL PROPERTY
Committee on the Judiciary

U.S. House of Representatives

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Introduction

Chairman Smith, Ranking Member Berman, and Members of the Subcommittee:

Thank you very much for inviting me to testify today. I commend you for holding this hearing and last week’s hearings on improving the patent system. This is a particularly appropriate time to reflect upon the incredible success of invention and of our patent system in the United States. It was 215 years ago this month that our young nation adopted its first patent statute. On April 5, 1790, your predecessors in Congress passed the final version of the statute, and President George Washington signed it into law on April 10.

Strength of our Patent System

The benefits of our patent system have always been obvious to Americans. You are familiar with Article I, Section 8, Clause 8, of the U.S. Constitution, granting Congress the power “to promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.” James Madison wrote in one of the Federalist Papers, “The utility of this power will scarcely be questioned.” He was right. That clause was adopted into the Constitution without a dissenting vote -- without even any recorded debate.

