

News & Analysis

Senate confirms ex-IBMer to head patent office

Rick Merritt

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1 Comment



SAN JOSE, Calif. — The U.S. Senate officially voted Friday (Aug. 7) to confirm the nomination of David J. Kappos as Director of the U.S. Patent and Trademark Office and Under Secretary for Intellectual Property at the U.S. Department of Commerce.

"The USPTO will benefit under his leadership, and I look forward to working closely with him to enact meaningful reforms to our nation's patent system this year," said Senator Patrick Leahy (D, Vt.) in a prepared statement referring to [S.515](#), the Patent Reform Act of 2009 now before the Senate.

In a confirmation hearing [in late July](#), Kappos sketched out his plans to "refashion the patent examination process" to help cut down the [growing backlog](#) of patent applications at the agency. He also pledged to help develop a "sustainable long-term funding model" for the patent office which is still subject to having patent application fees diverted to other government uses.

[In June](#), many hailed the nomination of Kappos who has spent his entire 19-year career as an intellectual property attorney at IBM. Kappos earned an engineering degree prior to attending law school.

In a statement congratulating Kappos, the incoming head of the Department of Commerce was candid about the problems the patent office faces. "The [patent] office continues to deal with a patent application backlog of more than 770,000, long waiting periods for patent review, information technology systems that are regarded as outdated and an application process in need of reform," the statement said

"It's no secret that the agency currently faces significant and persistent challenges, but David is the right person to meet them and carry out my top priority for the USPTO-- dramatically reducing the unacceptably long time it takes to process patent applications," said U.S. Commerce Secretary Gary Locke in the statement.

Industry groups were quick to add their congratulations.

"I have confidence that Dave will work hard to improve the operations of the PTO, secure adequate resources for the agency, and permanently end fee diversion. His confirmation will be important to the continued progress of the Patent Reform Act," said Gary Griswold, chairman of the Coalition for 21st Century Patent Reform, a group of 50 companies

including 3M, Caterpillar, General Electric and Eli Lilly.

"We are pleased that the Senate has confirmed his nomination unanimously and swiftly so that he can begin to address the challenges facing the PTO," said a prepared statement from the Coalition for Patent Fairness, an industry group including tech giants Cisco, Intel and Hewlett-Packard that has pushed for passage of S.515.

"We look forward to working with Mr. Kappos to enact reforms that address abuse of the patent system by entities that exist simply to litigate patents for profit through exorbitant damages awards," the group added.

The full Senate is expected to vote on S.515 when it returns from recess in the fall. The bill has already gone through a round of revisions regarding its provisions for damages in cases of patent infringement. It is expected to face more changes in areas such as its proposed reforms of the post-grant review system at the patent office which have [come under attack](#).

[A parallel bill](#) is pending committee action in the House of Representatives.

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