

Itek Corporation

10 Maguire Road
Lexington, Massachusetts 02173
(617) 276-2000

11 June 1979

FYI
bAnney

Mr. Lawrence Gilbert
Boston University
881 Commonwealth Avenue
Boston, MA 02215

Dear Larry:

Subject: S.677 and H.R. 3806 Relating to the
Creation of a U.S. Court of Appeals
for the Federal Circuit

I am enclosing herewith some information on the above subject, including a letter I have written to the Association of Corporate Patent Counsel enclosing the statement which I made at the U.S. Senate Judiciary Committee hearings in Washington. Also enclosed is Attachment III which is a list of pertinent Senators and Congressmen.

While this Bill won't solve all the problems of the world, I think it will be to the advantage of small companies, individual inventors and universities if a system can be provided that all appeals from Federal District Courts on patent infringement cases would go to the same court. This would avoid the necessity of a number of appeals in the various circuits as there would only be one appeal in this situation.

Also, it avoids the problem of a number of circuits holding patents valid and then having a court hold the patent invalid, thus overcoming all the previous decisions holding the patent valid.

Under the proposed legislation, there would only be one appellate decision on validity which could, of course, be appealed to the Supreme Court, although I don't think the Supreme Court would accept many appeals.

In addition, consistency in patent validity and infringement decisions would be improved.

In any event, I am sending you this material with the hope that SUPA might be able to take a position on this legislation. Whether or not SUPA does, I would encourage you and your counterparts in SUPA to write to Senator



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DeConcini, who is in charge of the appropriate Senate Judiciary Subcommittee expressing support and requesting him to move the legislation forward. Also, I would ask you to write to Representative Kastenmeier, who is in charge of the appropriate House Subcommittee asking him to hold hearings in the near future so that the legislation can move forward.

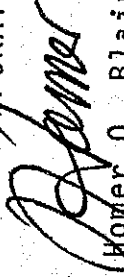
For your information, support for this legislation includes the Administration, Senator Kennedy and most corporate patent lawyers. The main opposition seems to come from the private patent litigators.

know.

If I can answer any questions on this, please let me

Best regards,

ITEK CORPORATION



Homer O. Blair
Vice President
Patents and Licensing

Enclosures
HOB:db