



# INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS AFL-CIO & CLC

501 3<sup>rd</sup> Street, NW, Suite 701, Washington, DC 20001  
202-239-4880 • FAX 202-239-4881 • www.ifpte.org

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## **Patent Bill Continues to Threaten our Nation's Competitive Edge**

On August 3<sup>rd</sup>, 2007, IFPTE wrote to the the U.S. Senate expressing concern that passage of the Patent Reform Act of 2007 (S. 1145) could seriously threaten our nation's competitive edge in industries that rely on innovation. IFPTE requested that the following provisions be removed from S. 1145:

- **Non-inventor application provision:** Allows patent applications to be filed by a person other than the inventor
- **18-month publication provision:** Forces disclosure of innovations before there has been a determination as to what patent protection, if any, the inventor will receive.
- **Post grant opposition provision:** A hunting license for entrenched competitors to attack patents of small innovative companies in order to tie up a patent in a long expensive proceeding.

On February 6, 2008, IFPTE joined with 13 other labor unions, including the Patent Office Professional Accosiation (POPA), in writing to every member of the U.S. Senate to communicate that the patent bill was "in need of dramatic reform." The letter highlighted three major changes that S.1145 would make to the U.S. patent system that could be very damaging to our domestic manufacturing industries:

- Changes to how damages for infringement are calculated.
- Changes to the post-grant procedures.
- Changes to whose applications get published prior to the grant of a patent.

At the AFL-CIO Executive Council meeting on March 4, 2008, IFPTE argued that should the patent bill pass, it would threaten our nation's competitive edge in a number of significant ways — including allowing foreign based companies to challenge the U.S. patents of American manufacturers. Obviously, this would pull the very foundation by which numerous U.S. companies compete out from under them, resulting in huge job losses (see *The Economic Times* article on reverse side of this paper). IFPTE stood in strong support of a resolution opposing the patent bill, which concluded as follows:

*Without substantial changes in three key areas—damages, post-grant review and publication—we will be unable to support Senate passage of the patent reform bill and will work actively to protect the interests of U.S. workers whose jobs and income rely on a strong patent system. Patent reform must not undermine our manufacturing base by diminishing the returns for those whose creativity and ingenuity has been one of the key ingredients to America's economic strength.*

The resolution passed unanimously. IFPTE's President Junemann then made a motion to score future votes on the patent bill which was also approved unanimously.

Nothing that IFPTE has seen in the past 8 months indicates that the serious concerns raised by labor regarding the patent bill will be fully addressed. Therefore, any vote in support of the patent bill will be scored as "W" by the AFL-CIO.

**IFPTE 2008 Legislative Request: The Senate should reject the patent bill.**