

## **Goodlatte Pushing Ahead on Patent Bill, Despite Committee Concerns**

By John Gramlich, CQ Roll Call

House Judiciary Chairman Robert W. Goodlatte, R-Va., is resisting calls from members of his committee to delay the panel's vote on a bipartisan proposal aimed at reducing abusive litigation in the patent system.

Goodlatte, the lead sponsor of the bill (HR 3309), is expected to schedule a markup for next week. The legislation would make a host of changes to the way patent litigation is handled, starting with requiring patent holders who file lawsuits to provide basic details about their products and spell out how their intellectual property rights are allegedly being violated.

The goal of the effort is to curb so-called “patent trolls,” or entities that purchase patents for the purpose of filing infringement lawsuits against companies to get licensing fees or a legal settlement, without actually making any goods or providing any services.

Although a bipartisan group of eight Judiciary Committee members has asked for more time to study the proposal — which was introduced Oct. 23 and was the subject of an Oct. 29 committee hearing — Goodlatte indicated Thursday that the legislation remains on a fast track to a markup.

“Almost six months ago, the House Judiciary Committee publicly released its first discussion draft on patent reform for open comments from members, stakeholders and other interested parties,” a committee aide said in an email to CQ Roll Call.

“Then, after receiving comments and altering the draft, over a month and a half ago, it publicly released the second discussion draft for additional comments,” the aide added. “Then, a month later after taking additional comments, the legislation was introduced followed by a legislative hearing on the bill.”

The October hearing, the aide said, “follows on the hearings that the committee held in the 109th, 110th, 111th, 112th Congress, and earlier this year, to examine patent issues

and promote innovation.” The aide said the committee will “continue to welcome additional comments and ideas from all interested parties, including members, as we look toward moving this legislation.”

Goodlatte’s proposal has bipartisan support, but it is also drawing concerns from a variety of industry groups and other organizations. That, in turn, led four Democratic and four Republican committee members to ask Goodlatte on Nov. 7 to hold another hearing on it before scheduling a markup.

“We ask that the committee schedule another hearing in order to consider additional viewpoints before voting on legislation that will affect this vital part of the American economy,” said a letter from the lawmakers, which included ranking Democrat John Conyers Jr. of Michigan and Jim Sensenbrenner of Wisconsin, a former Republican chairman of the panel.

On Wednesday, the organization that represents research-based pharmaceutical and biotech companies, PhRMA, sent a letter to Conyers and Goodlatte arguing that “many” of the provisions in the bill “perhaps unintentionally undermine the ability of patent owners more broadly to enforce their rights by filing a patent suit and litigating it to completion.”

The group outlined nine concerns with the bill, including a change to legal discovery procedures that it said “could serve to delay ultimate resolution of patent litigation and increase costs.”

Other groups also have stated their concerns in recent days. The Judicial Conference of the United States, for example, has indicated that it views provisions of the bill as an infringement on the judiciary’s right to set its own rules.