



June 14, 2010

The Honorable Robert Bauer
Counsel to the President
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear Mr. Bauer,

We are writing to advise on the qualifications that we believe the President should seek in individuals he nominates to serve on the U.S. Court of Appeals for the Federal Circuit.

Intellectual Property Owners Association (IPO) is a trade association representing companies and individuals in all industries and fields of technology who own or are interested in intellectual property rights. IPO's membership includes more than 200 companies and over 11,000 individuals who are involved in the association either through their companies or as inventor, author, executive, law firm or attorney members.

Our members receive about 30 percent of the U.S. patents granted to U.S. nationals. We believe high quality, timely decision making by the Court of Appeals for the Federal Circuit is critically important to innovation, business investments and growth of the nation's economy.

The court was created in 1982 to provide uniformity in patent law. Congress decided that creating this appellate court was the solution to the unique problems associated with patent decisions. Over the past 28 years the court has made great progress toward bringing clarity and predictability to patent jurisprudence.

Although IPO wrote to your predecessor last year, IPO wishes to update its recommendations in light of the President's recent nominations to the Federal Circuit of District Judge Kathleen O'Malley and Mr. Edward DuMont and the recent announcement of a third vacancy at the end of this month. We understand that three other active judges are currently eligible to retire outright or take senior status.

Certainly many factors need to be taken into account in evaluating judicial nominees, but we urge consideration of the following goal when nominees are selected for vacancies on the Federal Circuit:

A balanced number of the twelve judges on the Federal Circuit should have expertise gained as attorneys practicing patent law in a company or law firm.

President
T.J. Norman
Eli Lilly and Co.

Vice President
Richard F. Phillips
Exxon Mobil Corp.

Treasurer
Angelo Chacal
Pitney Bowes Inc.

Directors
T.J. Angioletti
Oracle USA, Inc.
William J. Coughlin
Ford Global Technologies LLC
Timothy Crean
SAP AG
Robert DeBerardine
Sanofi-Aventis
Jeanne D. Dodd
Dow Corning Corp.
Bart Eppenaer
Microsoft Corp.
Scott M. Frank
AT&T
Michael L. Glenn
Dow Chemical Co.
Bernard J. Graves, Jr.
Eastman Chemical Co.
Krish Gupta
EMC Corporation
Jack E. Haken
Koninklijke Philips Electronics N.V.
Dennis R. Hoerner, Jr.
Monsanto Co.
Carl B. Horton
General Electric Co.
Soonhee Jang
Danisco U.S., Inc.
Michael Jaro
Medtronic, Inc.
Jennifer K. Johnson
ZymoGenetics, Inc.
Philip S. Johnson
Johnson & Johnson
George William Johnston
Hoffmann-La Roche Inc.
Lisa Jorgenson
STMicroelectronics, Inc.
Dean Kamen
DEKA Research & Development Corporation
Charles M. Kinzig
GlaxoSmithKline
David J. Koris
Shell International B.V.
Michelle Lee
Google Inc.
Kevin Light
Hewlett-Packard Co.
Richard J. Lutten, Jr.
Apple Inc.
Jonathan P. Meyer
Motorola, Inc.
Steven W. Miller
Procter & Gamble Co.
Jeffrey L. Myers
Adobe Systems Inc.
Sean O'Brien
United Technologies, Corp.
Kevin H. Rhodes
3M Innovative Properties Co.
Mark L. Rodgers
Air Products & Chemicals, Inc.
Manny Schecter
IBM, Corp.
Robert R. Schroeder
Mars Incorporated
David Simon
Intel Corp.
Dennis C. Skarvan
Caterpillar Inc.
Russ Slifer
Micron Technology, Inc.
Wayne Sobon
Accenture Ltd.
Daniel J. Staudt
Siemens Corp.
Brian K. Stierwalt
ConocoPhillips
Thierry Sueur
Air Liquide
James J. Trussell
BP America, Inc.
Danise van Vurren-Neild
Coca-Cola Co.
Roy Waldron
Pfizer, Inc.
Michael Walker
DuPont
Stuart Walt
Amgen, Inc.
Don Webber
Covidien
Paul D. Yasger
Abbott Laboratories

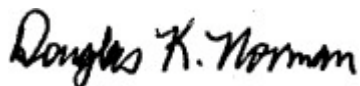
Executive Director
Herbert C. Wamsley

INTELLECTUAL PROPERTY OWNERS ASSOCIATION

Given the large portion of the court's time devoted to patent cases and the specialized nature of patent law, it is important to have judges on the court with substantial prior experience as practicing patent attorneys. In some cases judges need information on patent law beyond that presented to the court by the parties. Candidates should be sought who are (a) chief patent counsel in companies and have extensive experience with domestic and international business issues, (b) trial counsel who have tried a number of patent cases to a jury verdict, and/or (c) registered patent attorneys with deep technological experience and experience practicing before the United States Patent and Trademark Office. A tradition of maintaining several patent-experienced judges on the court exists, and we urge that the tradition be continued. The appointment of additional nominees with deep experience in patent law will remain vital to the Federal Circuit's mission as a specialist patent appeals court.

IPO is not endorsing any particular individual for appointment to the court, but we believe the qualifications discussed in this letter are very important. We appreciate your consideration of our views.

Sincerely,



Douglas K. Norman
President

cc:

The Honorable Patrick J. Leahy
The Honorable Jeff Sessions