

RETIRED IPO RESOLUTIONS

IPO Policy Regarding Past Resolutions (Adopted September 20, 2021)

Annually, IPO staff will review resolutions that were adopted 10+ years previously (Historic Resolutions-HR) and provide the executive committee with analysis and a recommendation about whether to retain, retire or refer the resolution to committee for updating and a new vote by the board.

1. The executive committee shall recommend to the board of directors to retire HR resolutions that are no longer relevant to the current state of the law.
2. The executive committee shall use its discretion about which HR resolutions are referred to committee; and the board of directors shall vote on resolutions that have been referred to committee for updating and have been revised.
3. All actions of the executive committee shall be reflected in the meeting notes reported out at each meeting of the board of directors.

Updated on December 7, 2022

Date	Resolution
04/14/01	<p>RESOLVED IPO supports international patent law harmonization efforts where the long-term goals are:</p> <ol style="list-style-type: none"> 1) to achieve dramatic improvements in quality of patent examination and sustained reductions in the costs of acquiring multinational patent protection for inventors and industry by (a) fully harmonizing substantive laws regarding patents and patent applications, (b) adopting common procedural practices and requirements regarding patent applications; (c) eliminating unnecessary translation requirements; and (d) reducing or eliminating patent office fees whenever they are in excess of the costs of operating the office; 2) to eliminate work by national patent offices that, with respect to harmonized substantive laws regarding patentability, represents redundant searching and examining of the same application; 3) to reduce the overall times of pendency of multinational patent applications, which times are now increasing alarmingly in the major patent offices of the world, including the United States PTO; 4) to develop cooperative practices and tools relating to standards for examination and examination procedures to assure uniformity in the scope of the patents granted by patent offices implementing harmonized laws on substantive patentability. 5) to provide consistency and certainty in patent enforcement, including in principles of claim interpretation, and to assure prompt resolution of patent controversies by enforcement authorities.

04/18/01	<p>RESOLVED In support of international patent law harmonization efforts, IPO specifically supports:</p> <ol style="list-style-type: none"> 1) the expansion of cooperative relationships among the major patent offices, including the establishment of joint projects of search and examination by major offices, and, to the extent permitted by harmonization of the laws of substantive patentability, the establishment of systems of full-faith and credit of one office's searches and examinations by the other cooperating offices; 2) accelerated establishment of comprehensive and universally accepted databases of information that qualifies as prior art and access to and use of such databases by the public and all examining patent offices; 3) the substantive harmonization of the patent laws of the major patent systems, including specifically, the efforts of the Standing Committee on Patents of WIPO; and 4) the further harmonization and unification of regional patent systems, to the extent such efforts are consistent with the efforts of objectives (1) through (3), such as those of the European Commission to establish a single patent that would have effect throughout the European Union.
06/05/01	RESOLVED IPO reaffirms its support for strong intellectual property rights, and IPO does not favor including IP rights in any new round of WTO trade negotiations while implementation of the Trips Agreement is underway.
06/05/01	RESOLVED IPO favors overruling In re Portola Packaging and recognizing that prior art of record could be the basis for a substantial new questions of patentability.
05/02/02	RESOLVED that the Amicus Brief Committee prepare a draft amicus brief for review by the IPO board in support of the respondent, the US government, stating that Congress' enactment of the Copyright Term Extension Act was constitutional.
05/02/02	RESOLVED IPO favors in principle a more flexible system for the searching and examination of all U.S. applications for patent that would permit patent applicants to delay commencement of search and/or examination (and to delay the payment of fees associated therewith) for approximately the same period an international application under the Patent Cooperation Treaty can delay the commencement on National Stage processing, provided that such delay period is not longer than six months after the PCT Chapter II deadline.
06/21/02	RESOLVED that IPO will advocate legislative change to 35 U.S.C. 285 that would permit the recovery of expert witness fees in exceptional cases.

09/10/02	RESOLVED That IPO affirms its support for a change in the patent statute to adopt the “unity of invention” standard as the basis for restricting the examination of patent applications to a single invention and, FURTHER, IPO supports an increase in patent fees to the extent necessary to recover any incremental increase in the cost of examining a patent application under this standard for restriction.
09/10/02	RESOLVED That IPO urges Congress to make previously withheld USPTO fees available for use by the USPTO, and SPECIFICALLY, supports an amendment to the Senate Appropriations bill in order to make previously withheld fees available to the USPTO in 2003.
09/10/02	RESOLVED That IPO opposes incorporating into the Patent Act any statutory provisions to institutionalize any new form of deferred examination.
11/03/02	RESOLVED that Intellectual Property Owners Association favors legislation granting priority to the inventor having the earliest filing date for which a benefit is sought under Title 35 of the United States Code, in the event interfering patent applications are filed.
11/03/02	RESOLVED that the IPO supports in principle efforts by European governments to establish a European Patent Litigation Protocol to improve the enforceability and legal certainty of European patents and, SPECIFICALLY, the IPO supports the establishment of a centralized patent enforcement system that will provide common procedural laws and rules, including first-instance and second-instance courts, that will ensure uniform interpretation of European patents and will provide adequate infringement damages to patent owners.
01/28/03	RESOLVED that IPO will advocate a legislative change to 28 U.S.C. §1338(a) to provide original jurisdiction in federal district courts over all claims for relief under the patent laws, whether by claim or counterclaim.
04/07/03	RESOLVED IPO urges that any legislation to increase patent and trademark fees for the purpose of implementing the revised “21st Century Strategic Plan” provide that on October 1, 2006 fees will revert to a level that will make total fee collections equal to the amount, adjusted for inflation, that would have been collected without the legislation, unless the legislation is extended by act of Congress based on the success of the strategic plan.
04/07/03	RESOLVED IPO urges that legislation to increase patent and trademark fees for the purpose of implementing the revised “21st Century Strategic Plan” not take effect before October 1, 2003.

04/07/03	RESOLVED that IPO supports legislation establishing a fee for searching patent applications only if the amount of the fee is fixed by Congress in the legislation.
04/07/03	RESOLVED that IPO supports (1) an FY04 USPTO appropriation of up to \$1.5 billion determined by Congress to be needed for implementation of the revised "21stCentury Strategic Plan" and (2) legislation to increase patent and trademark fees to raise the projected amount collected by the USPTO for FY04 to the amount of such appropriation.
04/07/03	RESOLVED that IPO urges the Administration to issue a policy statement disapproving of diversion of patent and trademark fees from the USPTO to unrelated government programs.
04/07/03	RESOLVED that IPO supports legislation allowing the USPTO the option of obtaining patent application search reports before examination begins, provided, for applications filed after a transition period following enactment, the legislation (1) requires making the search report available to the applicant in advance of the expiration of the period in which to request examination and (2) requires the USPTO to publish (i) the application, (ii) the search report, and (iii) the fact that examination has been requested, no later than 18 months after the effective filing date.
04/07/03	RESOLVED that IPO supports the USPTO's 21st Century Strategic Plan as revised February 3, 2003, subject to the reporting of satisfactory results from timely and comprehensive testing and evaluation of new patent searching and examining procedures to determine their cost effectiveness and effect on patent quality, after an opportunity for the public to comment, and, where appropriate, prompt and successful completion of pilot projects before office-wide introduction of new procedures.
06/04/03	<p>RESOLVED that Intellectual Property Owners Association supports in principle the amendment of Title 35 of the United States Code to ensure that enhanced patent infringement damages may not be awarded:</p> <ul style="list-style-type: none"> • based merely upon the knowledge of a patent or its contents by the defendant prior to suit, nor • for any infringement occurring prior to the defendant's receipt of written notice from the plaintiff of a charge of infringement, which must identify the specific patent, claims and allegedly infringing products or process at issue and be sufficient to give the defendant an objectively reasonable apprehension of suit on such patent, unless: <ul style="list-style-type: none"> ○ the infringer intentionally copied the patented subject matter with knowledge that it is patented; or ○ the patent was asserted against the infringer in a previous U.S. judicial proceeding, and the present infringement is not more than colorably different than the conduct asserted to be infringing in the previous proceeding.
06/04/03	RESOLVED that Intellectual Property Owners Association supports in principle the amendment of Title 35 of the United States Code to ensure that:

	<ul style="list-style-type: none"> a finding of willful infringement shall not be based solely upon the absence of an opinion of counsel, and the absence of an opinion of counsel shall not create a negative inference that the infringement was willful.
06/04/03	RESOLVED that the Intellectual Property Owners Association favors, in principle, that the patent laws should be amended to establish proceedings in which patentability of issued claims can be reviewed by Administrative Patent Judges of the Board of Appeals and Interferences of the United States Patent and Trademark Office. PROVIDED that the proceedings are implemented with sufficient mechanisms in place to achieve the public's interest in readily available, reasonably prompt and cost effective procedure for a determination of the patentability of one or more patent claims, without creating an undue burden on patentees to defend their patents against frivolous assertions and with adequate procedures designated to protect a patentee from harassment.
06/04/03	RESOLVED, that the Intellectual Property Owners Association favors, in principle, that in the event that a post-grant opposition proceeding is not established in the near future that will allow for review of the patentability of issued patent claims, the patent laws should be amended to expand the existing reexamination proceedings of the United States Patent and Trademark Office.
09/14/03	RESOLVED, that IPO does not favor the expansion of declaratory judgment to allow a party that does not have a reasonable apprehension of being sued under a patent to nonetheless institute suit seeking a declaration that that patent is invalid, unenforceable and/or not infringed.
09/14/03	RESOLVED, that IPO favors in principle limiting the law of obviousness-type double patenting so that it will apply only if and when, respecting two claims in two patents, all of the following three conditions apply: <ul style="list-style-type: none"> a) neither patent qualifies under sections 102 and 103(c) as prior art with respect to the claim in the other patent; b) the two patents have different expiration dates, or are not commonly owned; and c) the claim having the later priority date, or either of two claims having the same priority date, is an obvious variation of the other claim.
09/12/04	RESOLVED, IPO opposes the proposed 12 percent increase in the Patent Cooperation Treaty International Filing Fee in light of last year's increase until and unless the World Intellectual Property Organization (WIPO) provides information necessary to justify such an increase.
01/30/05	RESOLVED, that the IPO, in order to strengthen the rights of trademark owners, supports, in principle, legislation to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment to provide greater clarity regarding protection afforded under the statute, better define the standard of proof of dilution and clarify protection for free speech interests.

01/30/05	RESOLVED, that the IPO supports, in principle, H.R.32, the Stop Counterfeiting Manufactured Goods Act, legislation which would strengthen the criminal statute to effectively address trafficking in counterfeited goods.
01/30/05	<p>RESOLVED, that the Intellectual Property Owners Association supports amendment of the patent laws to establish post-grant opposition proceedings in which patentability of issued claims can be reviewed by Administrative Patent Judges of the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office, provided such proceedings include the following attributes:</p> <ol style="list-style-type: none"> 1. Time for Filing – Any request for a post-grant opposition must be made no later than 9 months after the date of the patent grant; 2. Grounds – Any ground of patentability, with the exception of “best mode” (35 U.S.C. § 112, 1) and derivation (35 U.S.C. § 102(f)), may be raised in the request, but no issues of priority of invention (35 U.S.C. § 102(g)) nor enforceability shall be considered; 3. Threshold Showing – Any party requesting initiation of an opposition proceeding shall be required to make a threshold showing of unpatentability of at least one claim of the patent before the patent owner is required to respond to the opposition; 4. Discovery – Discovery from a party to an opposition shall be limited to cross-examination of declarants; 5. Additional Evidence – Following initiation of a post-grant opposition proceeding, the party requesting the proceeding shall not be permitted to advance a new ground of unpatentability in the opposition proceeding; 6. Claim Amendments – The patent owner shall have the right to amend its claims in its response to the initial request and after any new prior art is presented by an opponent after filing its initial request; 7. Other USPTO Proceedings – No party to the opposition proceeding shall be prevented by the opposition proceeding from filing other concurrent or subsequent proceedings in the United States Patent and Trademark Office; 8. Standard of Proof – The standard of proof to be applied for determining patentability* of a claim during a post-grant opposition proceeding shall be the clear and convincing evidence standard; * NOTE: A Board member pointed out after the meeting that technically “patentability” should be “unpatentability.” The standard referred to is the standard faced by the party challenging the patent. 9. Estoppel – A judgment in favor of patentability of any claim in the opposition proceeding shall estop the opposer from challenging validity of that claim in other proceedings on the basis of evidence and prior art presented during the opposition proceeding; 10. Duty of Disclosure – The patent owner’s duty of disclosure during the opposition shall be no greater than that applicable to a party in litigation before a Federal court; 11. Length – The opposition proceeding shall conclude within 12 months of the expiration of the 9-month post-grant request period and any patent claim surviving the opposition proceeding unamended shall be subject to day-for-day patent term

	<p>adjustment for any period of pendency of the proceeding beyond the 12 months, excluding delays caused by the patent owner;</p> <ol style="list-style-type: none">12. Identity of Opposer – Any party requesting initiation of a post-grant opposition proceeding must disclose its identity to the patent owner in the opposition proceeding;13. Infringement Suit – In the event an infringement action is brought against an accused infringer prior to the filing of a post grant opposition request by the accused infringer, then any opposition proceedings involving the patent shall be stayed until the infringement action is finally resolved;14. Appeal – Judicial review of a post-grant opposition proceeding shall be exclusively by way of appeal to the Court of Appeals for the Federal Circuit;15. Consolidation – Multiple oppositions against a single patent shall be consolidated into a single opposition action following the expiration of the nine-month filing period; and,16. Right to Hearing – Parties to an opposition shall have the right to a hearing before the decision of USPTO on the opposition is reached.
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01/30/05	<p>Patent System Principle, NAS Rec. 1 – IPO agrees with NAS that it is vital to “Preserve an open-ended, unitary, flexible patent system.” [Title 35 USC §101, NAS Rec. 1] – IPO agrees with NAS that Title 35 USC § 101, the present U.S. statute providing the definition of subject matter that can be patented, should not be changed. This statute, as interpreted by the Supreme Court and the United States Circuit Court of Appeals for the Federal Circuit (“Federal Circuit”), is open to new technologies.</p> <p>USPTO Examination Guidelines, NAS Rec. 1 – IPO agrees with NAS that the USPTO should continue to develop examination guidelines for new or newly-patented technologies, as it has done for computer programs, business method inventions, living subject matter, and genetic inventions. In developing such guidelines, IPO agrees that the USPTO should continue to seek advice from a wide variety of sources and maintain a public record of the submissions, so the parties to a court proceeding and other interested members of the public can cite the public record of the results of development of examination guidelines, as they deem suitable.</p> <ul style="list-style-type: none"> • Federal Circuit Amicus Briefs, NAS Rec. 1 – IPO agrees with NAS that the Federal Circuit should encourage the submission of amicus briefs to address any significant public policy concerns. • Federal Circuit Operations, NAS Rec. 1 – IPO agrees with NAS that the Court of Appeals for the Federal Circuit should continue to arrange for temporary exchanges of members with other courts. • Federal Circuit Judges, NAS Rec. 1 – IPO agrees with NAS that judges appointed to the Federal Circuit should include people familiar with innovation from a variety of perspectives. • Post Grant Review, NAS Rec. 3 – IPO is on record as favoring the adoption of a new administrative procedure to allow post-grant review of, and opposition to, patents. • PTO Fee collections, NAS Rec. 4 – IPO has consistently advocated that the USPTO must receive all of the fees it collects, to achieve the goals of high quality, reasonably short pendency, and cost efficiency. • Inequitable Conduct, NAS Rec. 6 – IPO does not favor de novo review by the Federal Circuit of district court findings of inequitable conduct.
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06/24/05	<p>RESOLVED, that IPO supports amendment of the patent laws to add a new section 122(e) in order to afford patent applicants the advantage of having published art submitted by third parties, with concise descriptions of purported relevance, considered during examination, rather than waiting to do so during a post-grant opposition, and to amend section 122(c) to allow for submissions in compliance with new section 122(e), provided such proceedings include the following attributes:</p> <ol style="list-style-type: none"> 1. the submission permitted under the amendment is limited to provision of published art to be considered under 35 U.S.C. §§ 102, 103 or 112 and a concise description of its purported relevance; 2. no submission may be made under the amendment once a notice of allowance has been mailed to the applicant, and 3. prior to mailing of a notice of allowance, no submission may be made under the amendment after the later of: (a) six months after the date on which the application for patent is published, or (b) the date of an office action indicating that one or more claims in the application have been rejected.
09/13/05	RESOLVED, IPO Supports in principle the Coalition Print compromise draft bill dated September 1, 2005 and urges the House of Representatives to pass such legislation in lieu of patent reform bill, H.R.2795.
12/06/05	RESOLVED, IPO opposes legislation to remove the words “for the purposes of this title” from 35 U.S.C. Sec. 271(g).
02/05/06	RESOLVED, IPO supports, in principle, legislation to extend the increase in PTO user fees enacted for fiscal years 2005 and 2006 for an additional two years.
04/04/06	<p>RESOLVED, IPO opposes any attempt to transfer jurisdiction over immigration appeals to the Federal Circuit.</p> <p>[NOTE: IPO also sent a letter to the Senate leadership on this issue on March 23, 2006]</p>
04/04/06	RESOLVED, IPO recommends that the Department of Commerce more vigorously require the registry of the .us cctlD, NeuStar, to enforce its mandate to protect the geographic indication purpose of the .us cctlD through more stringent application of the Nexus Requirement to prospective and current registrants.
04/04/06	RESOLVED, IPO recommends that the Department of Commerce require registrants of .us domain names to provide written evidence of their compliance with the geographic Nexus Requirements to the registry at the time of registration and on a bi-annual basis during the term of the registration.
07/11/06	RESOLVED, that IPO supports renewed efforts by the IPO Advocacy Policy Committee to develop proposals for further consideration by the IPO Board to amend the patent laws to specifically address reforms that increase the quality of patents issued by the U.S. Patent and Trademark Office.

07/11/06	RESOLVED, IPO supports, in principle, H.R.5418 to enhance the ability and resources of the U.S. District Courts to hear and deliver opinions on patent cases, in particular, to increase expertise among district court judges in managing such cases, provided that, the districts in the pilot are selected from those districts with at least 10 active judges.
07/11/06	RESOLVED, IPO believes that equitable benefit sharing is best accomplished through contracts with the authorities competent for granting access to genetic resources and traditional knowledge, and that special disclosure requirements for patent applications will not further the goal of fair and equitable benefit sharing. Accordingly, IPO is opposed to such special disclosure requirements for patent applications."
12/06/06	RESOLVED, that IPO supports, in principle, the proposed Senate legislation awarding, to a prevailing party, fees and other expenses incurred by that party in connection with the proceeding. However, IPO would require further clarity in the proposal before the provision should pass.
12/06/06	RESOLVED, that IPO opposes, in principle, the proposed Senate legislation conferring substantive rulemaking authority on the USPTO.
12/06/06	RESOLVED, that IPO opposes, in principle, the proposed Senate legislation allowing interlocutory appeals on claim construction orders to the Federal Circuit, in that the legislation does not achieve its intended goals and may require additional amendments to the law.
01/31/07	RESOLVED, IPO believes that existing case law on damages in calculating a reasonable royalty is appropriate, and thus, IPO supports, in principle, amending 35 USC 284 to codify the existing law on damages for calculating a reasonable royalty. Further, IPO does not support the language contained in S.3818 [109th Congress] related to the amendment to Section 284 of Title 35, U.S. Code on damages.
03/28/07	RESOLVED, IPO supports, in principle, legislation as recommended by the National Academies of Sciences to modify or remove the subjective elements of patent litigation in order to increase predictability of patent dispute resolution, and specifically, IPO supports legislation to (1) limit or eliminate the unenforceability defense based upon inequitable conduct in patent litigation, (2) eliminate the requirement to disclose the best mode contemplated by the inventor of carrying out the invention, and (3) allow enhanced patent infringement damages to be awarded for "willful" infringement only in limited circumstances, such as those set forth in IPO's Amicus Brief filed in In Re Seagate Technology LLC.

03/28/07	<p>RESOLVED, The following amendment to the Articles of Incorporation of Intellectual Property Owners, Inc. shall be submitted for a vote at the IPO Annual Meeting:</p> <p>“The name of the Corporation is hereby changed to Intellectual Property Owners Association.”</p>
06/12/07	RESOLVED, IPO supports, in principle, a random assignment system that would ensure that cases relating to patent matters would be equally assigned to judges throughout a judicial district regardless of the division in that district within which a case was filed, unless that district should participate in a pilot program that dictates otherwise.
06/12/07	RESOLVED, IPO endorses, in principle, the ITC’s request for increased funding for fiscal year 2008 in order to address the substantial rise in the ITC’s caseload of Section 337 investigations by ensuring that the ITC has the necessary resources to hire the judges, specialized attorneys, and staff needed to protect owners of U.S. intellectual property rights from infringing imports.
06/12/07	RESOLVED, IPO opposes the proposed legislation, H.R. 977.
09/07/07	RESOLVED, That IPO supports in principle prompt adoption of the first-inventor-to-file provisions of S. 1145 and H.R. 1908, and opposes making adoption of first-inventor-to-file contingent upon a finding that other countries have adopted a grace period. [Staff Note: At time of adoption H.R. 1908 contained such an contingency]
09/07/07	RESOLVED, That IPO confirms its support for enhancement of prior user rights to all fields of technology, including the substantial preparation requirement and removing the 1-year reduction to practice requirement, and, in addition, supports making the defense available not only to the person who performed or caused the performance of the acts necessary to establish the defense, but also to any other entity that controls, is controlled by, or is under the common control of such person.
09/07/07	RESOLVED, That IPO opposes amending the patent marking statute to limit the period for which damages can be obtained without notice of infringement, as called for in Section 4(c) of S.1145.
12/04/07	RESOLVED, IPO supports, in principle, procedures in Section 337 litigation to increase appropriate access of in-house counsel, licensed in the U.S., to confidential information produced in Section 337 investigations.

12/04/07	RESOLVED, IPO supports the work of the ITC to resolve IP disputes and believes in the importance of effective and qualified Section 337 judges. However, absent further study showing otherwise, IPO believes that currently available methods may and should be used to appoint such judges in accordance with the Administrative Procedure Act, and IPO thus opposes Section 601 of S. 1919.
03/18/08	RESOLVED, that IPO supports, in principle, legislation that would (i) strengthen civil and criminal remedies and enforcement procedures for copyright piracy and trademark counterfeiting; (ii) enhance interagency coordination of intellectual property policy and enforcement through the creation of a permanent office within the Executive Office, with adequate funding, authority and accountability; and (iii) increase intellectual property enforcement resources within the various Federal agencies charged with combating counterfeiting and piracy offenses.
03/18/08	RESOLVED, that IPO supports, in principle, provisions of H.R. 4279 that would establish a permanent IP enforcement office and representative within the Executive Office; provided, however, that IPO recommends further study and clarification of the duties and powers of the proposed IP enforcement representative vis-à-vis those of existing senior Administration officials with significant responsibility for intellectual property enforcement and policy.
03/18/08	RESOLVED, that IPO supports, in principle, the amendment of 15 U.S.C. § 1117 to confirm that a prevailing plaintiff electing an award of statutory damages in lieu of actual damages and profits does not waive its entitlement to attorneys' fees as a result of that election.
03/18/08	RESOLVED, that IPO opposes changing the timing requirements placed on patent applicants for deposits of biological material associated with a particular application and the removal of restrictions on access to such deposits as proposed in 73 Fed. Reg. 9254 (Feb. 20, 2008).
03/18/08	RESOLVED, that IPO supports, in principle, provisions of H.R. 4279 that would increase resources, coordination and transparency with respect to anti-counterfeiting and anti-piracy enforcement efforts; provided, however, that IPO recommends further study of the need for, and impact of, provisions that would create a new intellectual property enforcement division within the Department of Justice.
03/18/08	RESOLVED, that IPO supports provisions of H.R. 4279 that would strengthen civil and criminal intellectual property laws by: <ul style="list-style-type: none"> • Enhancing civil remedies for copyright infringement and trademark counterfeiting; • Strengthening prohibitions and remedies against exports of infringing copyrighted works and goods bearing infringing trademarks; • Harmonizing and strengthening forfeiture procedures for copyright and trademark counterfeiting offenses under title 18 of the United States Code; and

	<ul style="list-style-type: none"> Increasing criminal remedies for counterfeiting offenses where the offender knowingly or recklessly causes or attempts to cause serious bodily injury or death; <p>Provided, however, that IPO recommends further study of the need for, and impact of, provisions that would change the way statutory damages are calculated when copyrighted compilations are infringed.</p>
09/21/08	<p>RESOLVED, IPO supports, in principle, legislation that would allow approval of a biological product as biosimilar to a reference biological product which:</p> <ol style="list-style-type: none"> 1. ensures patient safety by granting the FDA authority to approve biosimilars using a scientifically-based, case-by-case approach; 2. promotes continued innovation by providing at least 14 years of data exclusivity for an innovator's biological product with additional periods of exclusivity available for new indications and/or for approval for use in the pediatric population; and 3. encourages efficient clarification of intellectual property issues by allowing confidential access to information reasonably relating to the infringement of any patents, including manufacturing and product information, and mechanisms for enforcing the confidential access requirement.
9/21/08	<p>RESOLVED, IPO supports, in principle, adoption of Local Patent Rules and inclusion of provisions therein fostering the following practices:</p> <ol style="list-style-type: none"> 1. Early identification and mutual mandatory disclosure of essential infringement and validity related discovery and consideration of staying of non-essential discovery until after a Markman decision is issued in a case; 2. Early disclosure and appropriate staging of detailed infringement and invalidity contentions; 3. Early supplementation of detailed infringement and invalidity contentions supported by identification of specific evidence produced in the early mandatory disclosures; 4. Scheduling the Markman hearing early in the case but after detailed contentions have been exchanged; 5. Identification of claim limitations most important to outcome of the case; and 6. Consideration of dispositive motions as early as appropriate to narrow issues or resolve cases without non-essential discovery.

12/03/08	<p>RESOLVED, IPO urges U.S. negotiators to consider the following principles as provisions of the Anti-Counterfeiting Trade Agreement (ACTA) are discussed:</p> <ul style="list-style-type: none"> a) Seek provisions that are consistent with IP provisions in existing U.S. Free Trade agreements and U.S. Law; (b) Require parties to address the pervasive use of the Internet to facilitate dissemination and marketing of pirated works and counterfeit goods; b) Eliminate burdensome evidentiary requirements such as monetary or quantitative thresholds for administrative and criminal liability that may frustrate enforcement efforts; and c) Focus the agreement on trademark counterfeiting and copyright piracy offenses and advocate against addressing patents within ACTA's legal framework, particularly any provisions on criminal liability and enforcement.
03/17/09	RESOLVED, that IPO, considering that the Federal Circuit's decision in <i>In re Seagate Technology</i> addressed many of the problems with willful infringement, recommends that any patent reform legislation enacted in the 111th Congress (2009-10) not include provisions on willful infringement.
03/17/09	RESOLVED, that IPO supports adequate funding for the U.S. Patent & Trademark Office, but, because of the severe economic recession in the United States, opposes, in principle, any increase during at least fiscal year 2009 in the statutory patent fees charged by the Office except for an annual adjustment to raise fees commensurate with increases in the Consumer Price Index as authorized under existing law.
05/29/09	RESOLVED, IPO supports the U.S. Senate bringing S.515 to a vote as soon as an opportunity presents itself.
05/29/09	RESOLVED, IPO, in principle, supports legislation to repeal the qui tam cause of action of Section 292(b) of the patent statute for false marking of products.
07/27/09	<p>RESOLVED, the draft brief to be filed in <i>Bilski v. Dool</i> before the Supreme Court should be amended in the following ways:</p> <p>Begin from the discussion and ground the overall thrust of the brief within the fundamental analysis from Supreme Court precedent that Section 101 broadly encompasses all new and useful processes, limited by three primary exceptions: abstract ideas, laws of nature and natural phenomena. Then discuss that the Federal Circuit's machine or transformation test is one way of determining whether a claimed process-related invention is an abstract idea or a specific useful application of that idea; it is a clue, but it is not the only clue to patent eligibility.</p>

09/13/09	RESOLVED, IPO opposes, in principle, legislation that would limit a court's consideration of all the facts relating to the effect on competition of a settlement of Hatch-Waxman patent litigation in which an ANDA filer receives anything of value and agrees not to research, develop, manufacture, market or sell, for any period of time, the ANDA product that is the subject of the patent infringement claim, as IPO believes that existing antitrust case law is sufficient to protect competition against the improper expansion of a patentee's lawful right to exclude as a result of the settlement.
09/13/09	RESOLVED, IPO Supports, in principle, advancing the interests of U.S. intellectual property rights holders by expanding the number of intellectual property attachés serving in U.S. embassies and other diplomatic missions, by: <ul style="list-style-type: none"> a) Assigning additional intellectual property attachés (e.g., 10) in the various diplomatic offices of the United States at the discretion of the President; b) Prioritizing the placement of these additional attachés, in posts where the position best advances the protection in foreign countries of intellectual property rights of the United States persons; c) Providing that the intellectual property attachés should possess experience in intellectual property matters and are provided with appropriate training to fully carry out their responsibilities; d) Appropriating the necessary funding for these positions; and e) Coordinating the activities of the intellectual property attachés with (i) the United States Intellectual Property Enforcement Coordinator appointed under section 301 of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (15 USC 8111) and (ii) the Undersecretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO).
09/13/09	RESOLVED, IPO supports, in principle, improving the protection of intellectual property of U.S. persons in foreign countries through amending Section 182 of the Trade Act of 1974 by: <ul style="list-style-type: none"> a) providing that the United States Trade Representative (USTR) will develop an intellectual property Action Plan for each country that has remained on the "Priority Watch List" for at least 2 years in order to address the failure to provide adequate and effective intellectual property protection for U.S. interests; b) authorizing adequate appropriation of funds to USTR to assist countries in implementing the Action Plan; c) granting the President discretion to take certain actions consistent with the international obligations of the United States upon failure of a country to comply with the terms of the Action Plan within a reasonable period of time; and d) requiring USTR to report annually on actions taken in this regard.
12/08/09	RESOLVED, IPO supports a limited, up to 12-month, surcharge of up to 15 percent on USPTO patent user fees to support operations, hire additional examiners and address the quality of issued patents and application pendency, provided that fees collected by the USPTO are not diverted to unrelated government functions.

12/08/09	RESOLVED, IPO supports, in principle, legislation to implement changes to the U.S. design patent system in order to enable U.S. membership in the 1999 Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs.
12/08/09	RESOLVED, IPO strongly opposes compulsory licensing of intellectual property rights.
01/31/10	RESOLVED, IPO opposes the Notice Pleading Restoration Act of 2009 (S. 1504, 111th Cong., 1st Sess.) and the Open Access to Courts Act (H.R. 4115, 111th Cong., 1st Sess.).
03/23/10	RESOLVED, IPO supports, in principle, legislation that would allow patent owners to request supplemental examination to consider, reconsider, or correct information relevant to their patents and provide that the patents shall not be held unenforceable on the basis of information so considered, reconsidered, or corrected. Specifically, IPO supports enactment of Section 10 of the draft substitute for S.515 made public on March 4, 2010.
03/23/10	RESOLVED, IPO supports, in principle, suspension or exclusion of patent practitioners from practice who commit fraud, concealment, or inequitable conduct in USPTO proceedings, but opposes legislation providing that the statute of limitations shall not run until information regarding the fraud, concealment, or inequitable conduct is made known to the USPTO.
03/23/10	RESOLVED, IPO opposes provisions in the March 4, 2010 draft substitute for S.515, H.R.1260, and the President's 2011 budget that authorize the USPTO to increase and restructure fees through a rulemaking process. IPO supports a revolving fund amendment to patent reform legislation, however, to make all fee collections available to the USPTO, and supports appropriations legislation to create a "buffer" fund to enable the USPTO to use excess fee collections.
03/23/10	RESOLVED, IPO opposes repeal of the second sentence of 28 United States Code section 44(c), which requires all judges on the United States Court of Appeals for the Federal Circuit to reside within a 50-mile radius of Washington, DC.
06/11/10	RESOLVED, while IPO generally supports the effort to improve and modernize the New Zealand Patents Act 1953, IPO opposes the broad and unqualified exclusion from patentability of computer programs as proposed in the Patents Bill now pending before the New Zealand Parliament.
09/12/10	RESOLVED, IPO supports, in principle, S. 3689, the "Copyright Cleanup, Clarification, and Corrections Act of 2010."

09/12/10	RESOLVED, IPO opposes H.R. 5579 (111th Congress), and opposes, in general, legislation that would limit the rights of biotechnology companies to contract with purchasers of genetically engineered technology, prohibit the manufacture and sale of legal, patented products and require biotechnology companies to report products, sales and royalties to the Secretary of Agriculture.
01/23/11	RESOLVED, IPO urges the United States Senate to promptly consider nominees for the two current vacancies on the United States Court of Appeals for the Federal Circuit. Without endorsing any specific nominee, IPO supports prompt consideration of all nominees for the Federal Circuit.
03/22/11	RESOLVED, That IPO opposes Sec. 14, "Tax Strategies Deemed Within the Prior Art," of S. 23, the "America Invents Act."
03/22/11	RESOLVED, IPO recommends that any patent reform legislation enacted in the 112th Congress (2011-2012) not include provisions on patent damages, considering the Federal Circuit's recent opinions clarifying the rules for determining reasonable royalty damages and the likelihood that the courts will continue to refine patent damages law.
03/22/11	RESOLVED, IPO recommends that any patent reform legislation enacted in the 112th Congress (2011-2012) not include provisions on transfer of venue in civil actions for patent infringement, considering the Federal Circuit's recent actions directing the transfer of civil actions to districts clearly more convenient for the parties and the likelihood that the courts will continue to refine the law.
03/22/11	RESOLVED, IPO recommends that any patent reform legislation enacted in the 112th Congress (2011-2012) not include provisions on willful infringement.
03/22/11	RESOLVED, IPO recommends that Congress should determine the cost to other patent applicants and owners, and the effect on the agency, for each type of micro entity applicant and owner, before deciding whether to enact legislation providing for a 75 percent fee discount for micro entity patent applicants and owners as proposed in Sections 9 and 12 of S. 23, passed by the Senate on March 8, 2011.
03/22/11	RESOLVED, IPO supports a surcharge of 15 percent on USPTO patent user fees for FY 2011 and FY 2012 to support operations, hire additional examiners, and address the quality of issued patents and application pendency, provided that fees collected by the USPTO are not diverted.

03/22/11	RESOLVED, That IPO confirms its opposition to the United States Patent & Trademark Office’s proposed fast-track ex parte reexamination voucher program for “humanitarian technologies” as described in 75 Fed. Reg. 57261. IPO encourages the USPTO to focus on its core commitment to a patent system in which individual patent applications rise or fall on their own merits without regard to field of technology or political concerns. Although IPO supports the USPTO’s efforts to remain engaged in international policy issues, these efforts should focus on advocacy for efficient patent systems worldwide.
06/24/11	RESOLVED, That IPO supports, in principle, S. 968, the Protect IP Act of 2011.
09/11/11	<p>The IPO Board recognizes, values, and seeks to engage the participation, thought leadership, and collaboration of our non-Board members. Therefore, we recognize the importance of addressing the interests and needs of the broad range of IPO members. This includes:</p> <ul style="list-style-type: none"> • Creating professional, networking, and business development opportunities, • Providing continuing legal education opportunities, • Guiding the Standing IP Committees via regular and timely feedback, • Publicizing committee activities, • Seeking input of non-Board members on IPO positions to be advocated to Congress, the USPTO, and the courts, • Communicating with members about Board initiatives, and • Updating members on developments in IP law via the IPO Daily News™.
09/11/11	RESOLVED, that IPO supports, in principle, S.978, “A Bill To Amend The Criminal Penalty Provision For Criminal Infringement Of A Copyright, And For Other Purposes.”
06/11/12	<p>RESOLVED, that IPO supports amending Section 43(c)(6) of the Lanham Act so as to read as follows:</p> <p>(6) Ownership of valid registration complete bar to action. — The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register under this act shall be a complete bar to an action against that person, with respect to that mark, that —</p> <p>(A) Is brought by another person under the common law or a statute of a State; and</p> <p>(B) (i) seeks to prevent actual or likely dilution by blurring or actual or likely dilution by tarnishment; or (ii) asserts any claim of actual or likely damage or harm to the distinctiveness or reputation of a mark, label, or form of advertisement.</p>
12/11/12	RESOLVED, that IPO supports the enactment of legislation along the lines of S. 3389 entitled Protecting American Trade Secrets and Innovation Act of 2012 to establish a federal civil cause of action for trade secret misappropriation and other proposed amendments to protect trade secrets along with adequate safeguards against improper use of such legislation.

12/11/12	<p>RESOLVED, that IPO, while confirming its support for short pendency of patent applications in the USPTO, opposes section 1(m) of H.R. 6621 in the form introduced on November 30, 2012.</p> <p>RESOLVED, that IPO opposes section 1(d)(2) of H.R. 6621 in the form introduced on November 30, 2012.</p>
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