

PRESS RELEASE

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Proposed Revisions to 35 USC § 101 are NAPP-worthy

The National Association of Patent Practitioners (NAPP) wades into the fracas concerning patentable subject matter with an endorsement of the IPO-AIPLA proposal for legislative reform of the US patent law known as 35 USC § 101.

The statute currently states "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." This language was initially interpreted as a mandate extending the potential for patent protection to an expansive range of inventions and discoveries, but the courts have systematically modified that interpretation with ambiguous exceptions and unwieldy tests rendering the application of this statute unpredictable and inconsistent. Such unpredictability impairs the use and operation of the U.S. Patent System.

To address this situation, various professional societies and interest groups have suggested that 35 USC § 101 be amended or eliminated entirely. Earlier this year, the Intellectual Property Owners Association (IPO) and the American Intellectual Property Law Association (AIPLA) submitted [an open letter](#) to USPTO Director Andrei Iancu, in which they set forth some proposed language to replace the current statute. After analyzing the proposed language as well as other alternatives, NAPP's Government Affairs committee recommended that NAPP endorse the IPO-AIPLA proposal, and that endorsement has now been unanimously approved by NAPP's Board of Directors. The proposed language will clarify the test for subject matter eligibility, thereby: (1) making the patent system more accessible to small businesses; (2) making the patent

application and enforcement processes more affordable; and (3) strengthening the value of issued US Patents.

This endorsement is part of NAPP's mission to provide opportunities for networking, education, collegial exchange, benefits, and a collective voice in the IP community to speak on issues of patent law and prosecution practice, enabling patent practitioners to flourish and achieve the highest levels of competence and professionalism in their practice.

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