

Presidential Candidates' Experience and Interest in Patents: Romney, Obama Tops

On the Republican side, as previously reported, Mitt Romney has *already* made a statement in his campaign on key patent issues and has gained certain support in the patent bar. On the Democratic side, a stark contrast exists between Senators Clinton and Obama, while Senator Edwards has not shown a patent pulse of any kind:

(a) Senator Clinton: If Clinton counts the White House years as experience in patent law, then she gets an “F” for being part of the notorious decision to appoint as setting a precedent for appointing a Hill staffer as head of the PTO, done in the face of lobbying by the patent bar for its own highly quailed choice, Robert A. Armitage, one of the most famous patent attorneys of the era. Before the Clinton Administration’s appointment of Bruce Lehman, a lobbyist who had gained whatever experience he had in patents as a counsel for the House Intellectual Property Subcommittee, there had *never* in modern times (dating back to the Eisenhower Administration) been a leader of the PTO who did not have a long history in patents or trademarks. The current Bush Administration thus cannot be blamed for starting the trend of appointment of patent-unqualified leaders of the PTO, most notoriously the appointment of “Judge Jim” Rogan; his principal claim to fame was the unsuccessful Senate impeachment trial of President Clinton.

If Clinton counts her pre-White House years experience in patent law, this would have come from her many years at the Rose Law Firm. Judging from reported cases on Westlaw, the sum total of the Rose Law Firm patent experience was *zero*. Counting the experience of *everyone* in the Rose Law Firm up until the White House Years, there is *no* Federal Circuit opinion reported of any kind of a Rose Law Firm case. There is *no* patent case of any kind reported on Westlaw for *any* patent case by *any* member of the Rose Law Firm. The sole reported Rose Law Firm case for trademarks involved local counsel representation, both involving Clinton, *First Nationwide Bank v. Nationwide Sav. and Loan Ass'n*, 682 F.Supp. 965 (E.D. Ark. 1988); *Maybelline Co. v. Noxell Corp.*, 643 F.Supp. 294 (E.D. Ark. 1986).

(b) Senator Obama: Already in the current campaign there has been Obama activity on patent issues. Senator Obama’s chief advantage over Clinton is his *age*; he professionally matured in a patent-focused era that was yet to come when Clinton was at Yale or in the Rose Law Firm. Senator Obama was osmotically exposed to patents during his close contact with the faculty of the University of Chicago Law School when he served on the adjunct faculty. One of his colleagues at the time was a leading patent scholar, Professor Douglas Lichtman. Senator Obama also counts among his earliest political supporters members of the intellectual property community including the Chairman of the IP Department of an AmLaw 100 Law Firm.