



*INTELLECTUAL PROPERTY LAW  
ASSOCIATION OF CHICAGO*

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September 8, 2011

**VIA EMAIL & FIRST CLASS MAIL**

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Mail Stop Comments-Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Attn: Hiram H. Bernstein

Senior Legal Advisor

Office of Patent Legal Administration

Office of the Associate Commissioner for Patent Examination Policy

**Re:** Revision of the Materiality to Patentability Standard  
for the Duty To Disclose Information in Patent Applications  
76 Fed. Reg. 43631 (July 21, 2011)

Dear Mr. Bernstein:

I am the President of the Intellectual Property Law Association of Chicago (IPLAC), one of the largest intellectual property law associations in the United States. Established in 1884, IPLAC is the nation's oldest bar association focused on patent law. The Association's founding members declared their original purpose to include "aiding reforms in the administration of the Patent Office," and "discussing such other matters hereafter to arise as may be of common interest . . ." Today, one such common interest is the maintenance and development of the Patent system.

The purpose of this letter is to provide IPLAC's support for the points raised in "Revision of the Materiality to Patentability Standard for the Duty To Disclose Information in Patent Applications," 76 F.R. 43631-43634, July 21, 2011 ("the Notice"). This submission was drafted by our U.S. Patents Committee, taking into consideration both the views of those who prosecute patent applications and those who litigate issues related to issued patents, and reviewed and

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approved by the IPLAC Board of Managers – its governing board. This submission is being filed on or before the deadline of September 19, 2011.


The Intellectual Property Law Association of Chicago (IPLAC) respectfully notifies the United States Patent and Trademark Office (USPTO) that our organization supports the proposed rule changes in the Notice and supports the USPTO's goal of revising the materiality standard for the duty of disclosure to match the materiality standard, as defined in *Therasense*, for the inequitable conduct doctrine.

The Office is respectfully requested to take this submission into account when considering any proposed changes to the rules relating to the duty of disclosure.

Sincerely,

Intellectual Property Law Association of Chicago

By:

  
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Ms. Janet M. Garetto  
IPLAC President, 2011-12