

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

TRIANTAFYLLOS TAFAS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:07cv846(JCC/TRJ)
)	
JON W. DUDAS,)	
)	
Defendant)	
)	

CONSOLIDATED WITH

SMITHKLINE BEECHUM)	
CORPORATION,)	
d/b/a GLAXOSMITHKLINE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:07cv1008(JCC/TRJ)
)	
JON W. DUDAS,)	
)	
Defendant)	
)	

**MOTION OF *AMICUS CURIAE*
BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA
FOR LEAVE TO FILE A BRIEF REGARDING THE EFFECTS OF THE
FINAL RULES ON ESTABLISHED PATENT LAW AND PROSECUTION**

The Patent, Trademark, and Copyright Section (PTC Section) of the Bar Association of the District of Columbia (“BADC”), moves for leave to file a brief as *amicus curie* in this action to detail ways in which the Final Rules conflict with the Patent Act, 35 U.S.C. § 1 et seq., and established patent prosecution practices, and the loss of patent rights that will result.

The PTC section of the BADC is one of the senior-most intellectual property bar associations in the United States, drawing its membership from government, industry and private practice. The BADC and its members have a substantial interest in the adjudication of significant issues that define our patent laws and practice, and submit *amicus curiae* briefs when issues of importance arise. The interest of the BADC here is entirely *pro bono*, to advance the development of laws and regulations that promote the progress of science and useful arts through the patent process.

The BADC wishes to submit a brief addressing the ways in which the Final Rules contravene the existing framework of the Patent Act with adverse consequences for the use of the patent system to both protect invention and encourage the disclosure to the public of significant innovations. The BADC believe that it possesses a unique perspective on this issue not otherwise available to the Court because of, among other things, its submission of comments to the PTO on the rules initially proposed by the PTO, its long involvement and focus on patent and patent law and input from its members, who include many practitioners who have actively prepared and prosecuted patent applications before the PTO for many years, and many of whom have worked at the PTO. The BADC's proposed *amicus curie* brief is attached as Exhibit A to this Motion, and the BADC respectfully requests that the Court accept the brief for filing without requiring that it be filed separately. A proposed Order is attached.

Counsel for the GSK Plaintiffs in C.A. No. 1:07cv 1008 and for Mr. Tafas in C.A. No. 1:07cv846 have been contacted and have consented to the filing of this brief. Counsel for Defendants have advised that Defendants express no position on this motion but will not require oral argument on the BADC's motion for leave.

In light of the parties' views on this motion for leave, no hearing is requested.

Accompanying this motion is the BADC's supporting memorandum which sets forth more fully the grounds for its request for leave. A proposed Order also is submitted herewith.

WHEREFORE, for the reasons stated herein and for good cause shown, the BADC requests that the Court grant its motion for leave to file its amicus brief in support of the Plaintiffs in these consolidated actions.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December 2007, the foregoing pleading was filed electronically using the CM/ECF system, which will send notification by electronic means to the following counsel of record:

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