

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

**Alexandria Division**

TRANTAFYLLOS TAFAS,  
Plaintiff,

v.

JON W. DUDAS, et al.,  
Defendants.

Civil Action No. 1:07cv846(L) (JCC/TRJ)

CONSOLIDATED WITH

SMITHKLINE BEECHAM  
CORPORATION, et al.,  
Plaintiffs,

v.

JON W. DUDAS, et al.,  
Defendants.

Civil Action No. 1:07cv1008 (JCC/TRJ)

**MOTION OF *AMICUS CURIAE*  
INTELLECTUAL PROPERTY OWNERS ASSOCIATION  
FOR LEAVE TO FILE A BRIEF ON THE ISSUE OF ADOPTION OF  
FINAL RULE 1.78(f)(2)**

Intellectual Property Owners Association (“IPO”) moves for leave to file the attached brief as *amicus curiae* on the issue of adoption of Final Rule 1.78(f)(2).

*Amicus curiae* Intellectual Property Owners Association (“IPO”) is a nonprofit, national organization of more than 140 large and midsize companies and more than 550 small businesses, universities, inventors, authors, executives, law firms, and attorneys who are interested in patents, trademarks, copyrights, and other intellectual property rights. Founded in 1972, IPO represents the interests of all owners of intellectual

property. IPO members receive about thirty percent of the patents issued by the United States Patent and Trademark Office (“USPTO”) to U.S. nationals. IPO regularly represents the interests of its members before Congress and the PTO, and it has filed *amicus curiae* briefs in the Supreme Court of the United States and in other courts on significant issues of intellectual property law.

IPO’s proposed brief explains why Final Rule 1.78(f)(2) should be barred from being implemented. The rule will impermissibly be applied retroactively, imposing on applicants substantial new duties with respect to patent applications that have already been filed, and the rule contradicts applicants’ rights under the patent statute and case law.

IPO believes it can provide the court with information and perspectives on the issue of Final Rule 1.78(f)(2) that will not be provided by the parties or other amici. IPO’s Board of Directors includes chief patent counsel for companies in all major industries and a large number of directors who have studied the potential impact of the rules on their companies. An IPO survey on the impact of the rules is cited in the proposed brief.

Plaintiffs in the *Tafas* and *SmithKline Beecham* cases have consented to the filing of an IPO brief. Counsel for the Defendants states that the Defendants take no position on IPO filing a brief provided the brief is filed by December 27 and complies with applicable page limits. A supporting memorandum is attached that sets forth more fully the grounds for the request for leave to file.

IPO requests that the Court grant this motion for leave to file the attached *amicus* brief in support of the Plaintiffs and limited to the issue of Rule 1.78(f)(2).

Respectfully submitted,

/s/

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