

April 28, 2014

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Leahy and Ranking Member Grassley:

We the undersigned groups representing thousands of innovative companies, universities, and organizations and millions of workers in the United States write to express our serious concerns with the direction of patent legislation. It is our belief that the future of the U.S. economy and our ability to compete successfully in the global economy is dependent on Congress fostering a strong patent system that incentivizes innovators to invent.

We appreciate the hard work you and your staffs have undertaken to craft a bill to target abusive practices in patent litigation. All of the undersigned groups have worked constructively for months with your offices as well as with the other members of the Judiciary Committee to craft a responsible bill to address abusive practices. We are doing so in good faith, always with an eye toward helping those targeted by frivolous patent litigation, and even though the measures under consideration would add significant cost and burden to the enforcement of our own patents.

We are concerned that some of the measures under consideration go far beyond what is necessary or desirable to combat abusive patent litigation, and, in fact, would do serious damage to the patent system. As it stands, many of the provisions assume that every patent holder is a patent troll. Drafting legislation in this way seriously weakens the ability of every patent holder to enforce a patent. This approach clearly favors a business model that does not rely on patents and tilts the balance in favor of patent infringers, thereby discouraging investment in innovation.

The patent system is the bedrock of the U.S. economy. It should not be changed in this manner over the vigorous objection of some of America's most innovative industries. To do so would shortchange the future of our economy for a premature, unbalanced policy. The stakes are far too high not to get the balance right.

We remain willing to work toward that balance. We believe that an effective bill acceptable to patent holders is within reach. However, we cannot support changes to the patent system that substantially weaken all patents. If the provisions on discovery, customer stay, fee shifting and any associated measures, pleadings, and enforcement by the Federal Trade Commission do not achieve the appropriate balance, we will oppose the legislation.

We support efforts that target specific abusive behavior, and we look forward to continuing to work with you toward that end.

Sincerely,

AbbVie
Abcam
Allison Transmission, Inc.
Amgen
American Council on Education
American Seed Trade Association
Arizona Bioindustry Association (AZBio)
Arizona State University
Arsenal for Democracy Project
Association of American Medical Colleges
Association of American Universities
Association of Public and Land-grant Universities
Association of University Technology Managers
AstraZeneca
Auburn University
Aware, Inc.
Ball State University
BayBio
Bio Nebraska
Biocom
BioForward
BioHouston
BioKansas
BioNJ
BioOhio
Bioscience Association of North Dakota (Bio ND)
Bioscience Association of West Virginia (BioWV)
Biotechnology Industry Organization (BIO)
BioUtah
Boehringer Ingelheim
Boston University
Brandeis University
Brown University
California Healthcare Institute (CHI)
Cantor Fitzgerald, LP
Carnegie Mellon University
Case Western Reserve University
City College of New York
Clemson University
Cleveland State University
College of William & Mary
Colorado Association of Commerce & Industry (CACI)
Colorado Bioscience Association

Colorado School of Mines
Colorado State University
Colorado State University System
Cornell University
Council on Governmental Relations
Cummins Allison Corp.
CURE—Connecting Connecticut's Science Community
Delaware Bio
Digimarc Corporation
Dolby Laboratories, Inc.
Duke University
Eagle Forum
Emory University
Fallbrook Technologies, Inc.
Florida A&M University
Florida State Hispanic Chamber of Commerce
Georgia Institute of Technology
GeorgiaBio
GlaxoSmithKline
Healthcare Institute of New Jersey (HINJ)
Higginbotham Insurance
Idaho State University
Illinois Biotechnology Industry Organization—iBIO®
Indiana Health Industry Forum (IHIF)
Indiana University
INDUNIV Research Consortium/Bio Alliance of Puerto Rico
Innovation Alliance (IA)
InterDigital
Iowa State University
IowaBio
Johns Hopkins University
Kansas State University
Kentucky Life Science Council
Louisiana Tech University
MassBio
Medical Device Manufacturers Association (MDMA)
Merck
Miami University
MichBio
Michigan State University
Michigan Technological University
Missouri University of Science and Technology
Monsanto
Montana BioScience Alliance
Montana State University
National Academy of Inventors

New Mexico Biotechnology & Biomedical Association (NMBio)
New Mexico State University
New York University
NewYorkBIO
North Carolina Biosciences Organization (NCBIO)
North Carolina State University
Northern Illinois University
Northwestern University
Novartis
Novo Nordisk
Ohio State University
Ohio University
Oklahoma State University
Oregon Bioscience Association
Oregon State University
Paul R. Michel, Chief Judge, U.S. Court of Appeals for the Federal Circuit (Ret)
Pennsylvania BIO
Pennsylvania State University
Pfizer
Pharmaceutical Research and Manufacturers of America (PhRMA)
Portland State University
Purdue University
QUALCOMM, Inc.
Rice University
Rutgers, The State University of New Jersey
San Francisco State University
SCBIO
Shire
SoCalBio
South Dakota Biotech
South Dakota State University
Southern Illinois University at Carbondale
Stony Brook University - State University of New York
Tessera
Texas BioAlliance
Texas Healthcare and Bioscience Institute (THBI)
Texas State University
Texas Tech University
Tulane University
University at Buffalo - State University of New York
University of Akron
University of Alabama at Birmingham
University of Arizona
University of Arkansas
University of Cincinnati
University of Colorado at Boulder

University of Colorado System
University of Connecticut
University of Delaware
University of Florida
University of Georgia
University of Hawaii
University of Houston
University of Idaho
University of Illinois at Chicago
University of Illinois at Urbana-Champaign
University of Illinois System
University of Kansas
University of Kentucky
University of Louisville
University of Maryland, College Park
University of Massachusetts
University of Michigan
University of Minnesota
University of Missouri - Kansas City
University of Missouri - St. Louis
University of Missouri System
University of Montana
University of Nebraska
University of New Hampshire
University of New Mexico
University of North Carolina at Chapel Hill
University of North Carolina at Wilmington
University of North Carolina System
University of North Texas
University of Oklahoma
University of Oregon
University of Pennsylvania
University of Pittsburgh
University of Rhode Island
University of Rochester
University of South Carolina
University of South Florida
University of Southern California
University of Tennessee System
University of Tennessee, Knoxville
University of Texas at Austin
University of Texas at Dallas
University of Toledo
University of Vermont
University of Virginia
University of Washington

University of Wisconsin Colleges
University of Wisconsin System
University of Wisconsin-Extension
University of Wisconsin-Madison
University of Wisconsin-Milwaukee
University of Wyoming
University System of Maryland
USBIC Educational Forum
USG Corporation
Virginia Bio
Washington Biotechnology & Biomedical Association (WBBA)
Washington State University
Washington University in St. Louis
Wayne State University
West Virginia State University
West Virginia University
Western Michigan University
Yale University