

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