

December 10, 2014

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable John Conyers
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

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 Goodlatte, Chairman Leahy, Rep. Conyers, and Senator Grassley:

The undersigned represent a broad coalition whose members represent the majority of the nation's patent holders and inventors. We are a diverse array of American innovators, ranging from universities and non-profit foundations, to start-ups and small businesses, to manufacturing, technology, and life sciences companies. Together we represent thousands of organizations that employ millions of workers in the United States. All of our members believe that the future of the U.S. economy, including domestic job growth and our competitive advantage in the global economy, depends on a strong patent system that incentivizes innovators to invent and protects their inventions from unfair copying by others.

We appreciate the hard work you and your staffs have undertaken to craft a bill to target abusive practices in patent litigation, and we accept your challenge to our member groups to work with you to craft a responsible bill to address those abuses. As we have demonstrated in the past, we are willing to work with you and other stakeholders to develop targeted and measured reforms that address harmful patent enforcement practices. However, we will continue to strongly oppose legislation that would weaken the overall patent system and thereby diminish innovation and job creation in the United States.

In addition, there have been several major judicial and administrative developments in patent law since the last time your committees fully considered these issues and drafted proposed legislation. As a result of these developments, we are even more concerned that some of the measures under consideration over the past year go far beyond what is necessary or desirable to combat abusive litigation. Indeed, new patent lawsuit filings already have dropped dramatically – 40 percent, year over year, from September 2013 to 2014. Recent developments include the following:

- The Supreme Court decided five patent cases this past year, including *Alice Corporation v. CLS Bank*, *Nautilus v. Biosig Instruments*, *Limelight Networks v. Akamai Technologies*, *Octane Fitness v. ICON Health & Fitness*, and *Highmark Inc. v. Allcare Health Management Systems*, that are already making it easier to defeat patents, including the kind of patents that often are asserted in abusive litigation, and disincentivizing the

bringing of meritless claims. They certainly require thorough Congressional consideration as changes to the patent system are debated.

- The Leahy-Smith America Invents Act (AIA), which includes a number of provisions to increase patent quality and reduce abusive practices, was fully implemented less than two years ago, and its effects are only now beginning to take hold. For example, the AIA created new procedures – “inter partes review” (IPR) and “covered business method patent review” (CBM) – to allow anyone to challenge patents in a fast, relatively inexpensive proceeding before the Patent Trial and Appeal Board (PTAB). These administrative proceedings are already impacting the litigation landscape: judges in patent cases are now granting 80% of all motions to stay patent litigation if the patent is also involved in a parallel IPR or CBM proceeding. This is not to suggest that improvements are not needed with respect to implementation by the U.S. Patent & Trademark Office (USPTO), particularly with respect to concerns raised that these proceedings may be structured in a way that fails to afford basic due process to patent owners. In just two years since the USPTO implemented the new procedures in late 2012, petitioners have challenged claims of more than 2,300 patents. In concluded proceedings, fully 75% of the involved claims have been found unpatentable and only about 20% of patents have survived the proceeding with no changes.
- This past October, the Judicial Conference of the United States adopted changes to the Federal Rules of Civil Procedure that will ensure that patent cases meet the heightened pleading standards required of all other federal cases. The changes also will ensure that discovery in patent litigation will be “proportional to the needs of the case,” reducing the ability of patent plaintiffs to use unnecessary discovery requests to drive up costs for defendants in an effort to force unwarranted settlements. These rule changes make any statutory provision heightening pleading standards or limiting the scope of discovery in patent cases unnecessary and repetitive, since courts now have been directed to limit excessive and abusive discovery requests and ensure adequately described pleadings in patent cases. The rule changes are currently pending before the Supreme Court and are expected to be sent to Congress in early 2015.
- The Federal Trade Commission and state attorneys general also are aggressively using their authority to combat abusive patent demand letters and protect small businesses and consumers from unscrupulous practices. Instead of collecting settlement fees, senders of mass demand letters now find themselves mired in legal proceedings and their patents subject to challenges. Settlements between MPHJ Technology Investments LLC and the New York Attorney General and the FTC in January and November show the effectiveness of consumer protection and unfair competition laws at protecting small businesses from abusive and deceptive representations in demand letters.

Taken together, these judicial and administrative developments, and the plunge in the patent litigation rate, have fundamentally changed the landscape under which patent legislation should be considered. As Congress considers potential changes to the patent system that threaten the constitutionally-guaranteed property rights of innovators, it must assess the full

effects of the AIA, changes to the Federal Rules of Civil Procedure, the case law developments, and these administrative developments.

We look forward to working with you and your colleagues to make improvements to patent law that protect small businesses, consumers, and the general public from abusive patent practices, while zealously guarding the United States' competitive edge as the dominant global leader in innovation.

Thank you for your consideration of our views.

Sincerely,

American Council on Education
Association of American Medical Colleges
Association of American Universities
Association of Public and Land-grant Universities
Association of University Technology Managers
Biotechnology Industry Organization (BIO)
Innovation Alliance (IA)
Medical Device Manufacturers Association (MDMA)
Pharmaceutical Research and Manufacturers of America (PhRMA)
USBIC Educational Forum

cc: The Honorable Harry Reid
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Majority Whip
United States Senate
Washington, DC 20510

The Honorable John Cornyn
Minority Whip
United States Senate
Washington, DC 20510

The Honorable John Boehner
Speaker
United States house of Representatives
Washington, DC 20515

The Honorable Nancy Pelosi
Minority Leader
United States House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Majority Leader
United States House of Representatives
Washington, DC 20515

The Honorable Steny Hoyer
Minority Whip
United States House of Representatives
Washington, DC 20515

Members of the House Judiciary Committee

Members of the Senate Committee on the Judiciary

April 13, 2015

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
U.S. Senate
Washington, D.C. 20510

The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary
U.S. Senate
Washington, D.C. 20510

The Honorable Robert W. Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairmen Grassley and Goodlatte and Ranking Members Leahy and Conyers,

We write as leading agricultural companies and producer organizations to urge caution as the Congress considers changes to the U.S. patent system. There is a concern that the *Innovation Act*, as currently drafted, will discourage investment in modern agricultural tools important to rural America by making patent rights more difficult to enforce and more challenging for companies and universities to cross-license agricultural technologies.

Agricultural innovation depends upon clear, predictable, and enforceable patent rights. Without these patent rights, new products used to produce healthful food, protect crops, preserve the environment, and improve human & animal health will be more costly to develop. Companies and universities expend tremendous resources to research and develop economically and environmentally beneficial technologies to help feed, fuel, clothe, and heal people and animals. But developing new products is a slow, uncertain, and expensive process. It can easily take a decade or longer and more than \$100 million to commercialize a single product. Strong patents are critical to ensure a return on investments of time and money, which in turn supports future investments in the industry that directly benefit American agricultural producers.

Given the critical role that innovation plays in modern farming, we urge Congress to carefully consider the impact of any changes to the patent system on the agricultural community. We look forward to working with you and your colleagues to ensure that any changes to the U.S. patent system are narrow, targeted, and drafted to avoid damaging agricultural innovation.

Sincerely,

Agricultural Retailers Association
Agrivida, Inc.
American Farm Bureau Federation
America Seed Trade Association
American Society of Sugar Beet Technicians
American Sugarbeet Growers Association
AquaBounty Technologies
BASF
Bayer CropScience, LP
Beet Sugar Development Foundation
Biotechnology Industry Organization
Chromatin, Inc.
Dow AgroSciences
DuPont
Eli Lilly and Company
HM.CLAUSE, Inc.
JoMar Seeds
Monsanto
National Corn Growers Association
National Cotton Council
National Council of Farmer Cooperatives
National Milk Producers Federation
National Sorghum Producers
Novozymes
Syngenta US
U.S. Beet Sugar Association

CC: Senate Committee on Agriculture, Nutrition, and Forestry
House Committee on Agriculture



BIG TEN SINCE 1896

January 20, 2015

The Honorable John Conyers
U.S. House of Representatives
2426 Rayburn Building
Washington, DC 20515

Dear Representative Conyers:

As the 114th Congress begins its work, we want to take this opportunity to pledge our interest in working with you on a number of issues that are important to our institutions.

As presidents and chancellors of the Big Ten universities, one of the issues of importance is the recent effort to rewrite patent litigation law. We urge Congress to take a cautious approach in this endeavor. While we support the goal of targeting abuse of the patent system and especially abusive patent litigation, we respectfully ask that you preserve the ability of small businesses and universities to license and enforce their patent rights.

One of the major ways research universities like ours help serve the nation is by transferring the patentable inventions developed in university-owned research labs to the private sector for development into new technologies to benefit all Americans, whose tax dollars frequently paid for much of that research. This process has brought about hundreds of billions of dollars in economic activity and over three million jobs in the past thirty years nationwide. Having a strong defensible patent is crucial to ensuring that those who want to commercialize the discoveries emerging from university research can access the investment dollars they need to move their discoveries into the marketplace.

Last session, the House of Representatives passed HR 3309, the Innovation Act. That legislation – had it become law – would have made using the courts to enforce any patent much more difficult. The provisions, especially those involving “loser pays” (automatically awarding attorney fees to a prevailing party) and “joinder,” (requiring joinder of any party with a financial interest in the litigation, such as a university inventor) as written, would have the effect of making patent licensing negotiations more complex and likely discourage at least some of our members from licensing their inventions at all. In addition, these provisions would make litigation so potentially risky that few legitimate patent holders without deep pockets would dare risk doing so.

While legislation in the Senate Judiciary Committee ultimately was set aside, we understand that legislation similar to HR 3309 may be forthcoming early in the new Congress. Unless patent holders are able to defend and assert their patents, the value of the patent system is eroded and fewer businesses will be willing to license and develop these patents into the new products, new drugs and medical devices that will improve the quality of life and increase economic growth for our nation.

We agree that those who abuse the patent litigation system should not be rewarded, and we support narrow legislation that targets those individuals. What Congress must not do is turn that effort into making legitimate patent holders – such as universities and our commercial partners – unable to license and defend their patents. We urge you to support us on this issue and oppose legislation that hampers innovation.

Thank you for your attention to our views. We will continue to highlight our concerns as this process moves forward.

Sincerely,



Phyllis M. Wise
Chancellor
University of Illinois at Urbana-
Champaign



Mark Schlissel
President
University of Michigan



Michael V. Drake
President
The Ohio State University



Michael A. McRobbie
President
Indiana University



Eric W. Kaler
President
University of Minnesota



Eric J. Barron
President
Pennsylvania State University



Sally Mason
President
University of Iowa



Harvey Perlman
Chancellor
University of Nebraska-Lincoln



Mitchell E. Daniels Jr.
President
Purdue University



Walla D. Loh
President
University of Maryland



Morton O. Schapiro
President
Northwestern University



Robert L. Barchi
President
Rutgers University



Lou Anna K. Simon
President
Michigan State University



Rebecca M. Blank
Chancellor
University of Wisconsin—Madison

March 11, 2015

The Honorable John Boehner
The Honorable Mitch McConnell
The Honorable Harry Reid
The Honorable Nancy Pelosi

Dear Speaker Boehner, Senators McConnell and Reid, and Rep. Pelosi:

As advocates for a strong, innovative America, we write to express our opposition to the patent revision legislation proposed by House Judiciary Committee Chairman Bob Goodlatte and Rep. Darrell Issa. H.R. 9, the so-called "Innovation Act," would weaken American patents and the ability of innovators – particularly independent inventors – to secure their constitutionally guaranteed right to their inventions and discoveries.

While sponsors and proponents of this legislation claim it is designed to curb abusive tactics in patent litigation, the bill would in fact increase litigation at the expense of innocent inventors. The bill's overly broad provisions apply to all litigants seeking to assert patents, not just "patent trolls," and as a result will severely undercut the ability of inventors to enforce their intellectual property rights, ultimately devaluing patents, stifling American innovation, and diminishing our global competitiveness. This bill is the intellectual property infringer's best friend.

Of further concern is the *reason* this bill is being catapulted forward. Some companies need to *use* others' patents in their products, and they want to pay as little as possible for the right to these patented inventions. While that may make good business sense for them, it makes no sense for America, if lowering the licensing costs of a patent come by way of patent infringement, piracy, unfair competitive practices, artificially devaluing a patent, or reducing the ability to defend one's patent through our legal system. China is already eating our lunch, stealing our patented inventions and harassing American companies with Chinese facilities. Why would we want to willingly give up the competitive edge we enjoy in incentivizing innovation through the strongest IP regime in the world? Surrendering our innovation advantage to China makes absolutely no sense.

In short, the Goodlatte-Issa bill, if enacted, will erode private property protections grounded in Article I, Section 8 of the Constitution: "The Congress shall have Power . . . [t]o promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." The Founders rightly recognized the importance of intellectual property and its protection as vital to innovation. We must preserve a strong patent system that promotes the right of innovators and inventors to protect their ideas, not diminishes their value and disincentivizes investment.

We urge a scalpel, not a cleaver, in addressing patent revision legislation. We have all seen the impact of Washington approaching every problem with another sweeping overhaul that "fixes" everything instead of addressing specific problems. We ask that you support innovation and a strong patent system by opposing the "Innovation Act" and stopping any such bill from reaching the floor.

Sincerely,

Phyllis Schlafly
Founder and President
Eagle Forum

Dan Schneider
Executive Director
American Conservative Union

Hon. J. Kenneth Blackwell
Visiting Professor
Liberty University School of Law

David McIntosh
President
Club for Growth

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American Civil Rights Union

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President
Less Government

Paul Caprio
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Robert W. Patterson
Opinion Contributor
Philadelphia Inquirer

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Former Director
Strategic Defense Initiative

Peter J. Thomas
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Americans for Constitutional Liberty

Dee Hodges
President
Maryland Taxpayers Association

Cherilyn Eager
President
American Leadership Fund

Colin A. Hanna
President, Let Freedom Ring
Co-Chair, The Weyrich Lunch

Charles Sauer
President
Entrepreneurs for Growth

Kevin L. Kearns
President
U.S. Business & Industry Council

James Edwards
Co-Director
The Inventor's Project

C. Preston Noell, III
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Tradition, Family, Property, Inc.

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Director of Governmental Affairs
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Richard A. Viguerie
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ConservativeHQ.com

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Nadine Maenza
Executive Director
Patriot Voices

Ned Ryun
Founder and CEO
American Majority



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February 5, 2015

Dear Representative,

On behalf of Eagle Forum and the thousands of families we represent, I urge you not to support H.R. 9, the Innovation Act, which has been introduced today. We opposed this legislation, then H.R. 3309, in the previous Congress, and continue to believe it would inflict considerable harm to America's inventors and innovators.

H.R. 9 stacks the patent litigation deck in favor of patent infringers. Inventors would face greater obstacles to protecting their intellectual property. Ultimately, IP thieves would benefit from the act, while innovators would fall behind.

Eagle Forum objects to the limitations H.R. 9 places upon the constitutional guarantees to patent holders, and it is not alone. Serious problems with this legislation have been illuminated over the past several months by inventors, universities, conservative organizations that believe in property rights, American companies from across the economy, and small businesses.

Furthermore, circumstances have changed considerably since the House took up this legislation:

- Patent litigation has fallen precipitously, dropping 40 percent between September 2013 and September 2014.
- Five Supreme Court decisions last year, including *Alice Corp. v. CLS Bank* and *Octane Fitness v. ICON Health & Fitness*, clarified what is and isn't patentable and discouraged filing unmerited patent cases.
- The Judicial Conference has aptly changed the Federal Rules of Civil Procedure regarding pleading standards and discovery requests.
- The Federal Trade Commission and state attorneys general have stepped up enforcement of abusive patent demand letter practices, using their consumer protection and unfair competition authority.

Eagle Forum believes that support for property rights, innovation, jobs, and wealth creation requires opposition to the "Innovation Act." We urge your congressman not to support the bill as it moves forward.

Faithfully,

Founder and Chairman
Eagle Forum

The Federal Circuit Bar Association

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February 20, 2015

Chairman Bob Goodlatte
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Ranking Member John Conyers, Jr.
Committee on the Judiciary
United States House of Representatives
B-351 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Goodlatte and Ranking Member Conyers:

We write on behalf of the Federal Circuit Bar Association on H.R. 9, the Innovation Act. H.R. 9, and its predecessor, H.R. 3309, brought important attention to abusive behavior. We compliment all involved for that. Although well-intentioned, H.R. 9 has now become both unnecessary and, as noted in our December 3, 2013 letter on H.R. 3309, problematic. Recent Supreme Court rulings clarifying fees recovery standards, vigorous district court implementation of those rulings, and proposed Judicial Conference Federal Rules amendments address Judiciary case management points implicated by H.R. 9. The Judiciary's efforts avoid piecemeal fragmentation of case management which focuses only on patents. They also avoid this litigation complexity at a time of already significant system change, including a substantial increase in the use of PTAB proceedings.

This Association has worked closely with intellectual property issues since 1985 and has focused on effective litigation techniques, including those in the United States Court of Appeals for the Federal Circuit, the district courts, and other tribunals reviewed by the Circuit. Our membership, both national and international, includes litigators and business representatives and draws from the most sophisticated and experienced intellectual property sectors in the world. When addressing legislative matters we do not speak on behalf of government members. They were not involved in this topic.

As stated in our December 3, 2013 letter, abusive behavior, whether by so-called "patent trolls" or anyone else, is unacceptable. It unfairly challenges America's most successful economic engine—innovation and the patent system which supports innovation. Our dedicated judicial officers best understand nuances, motives, tactics, and merits of the cases which come before them every day. The tool available to them – the justice of the given case – is not available with a legislative vehicle. The latter necessarily sets broad rules at a general policy level. Respect for the coordinate Branch, as envisioned by the Constitution and codified in the Rules Enabling Act, 28 USC §§2071-2077, compels deference to the role of that Branch and to the expertise it reflects.

In contrast, H.R. 9 creates a subset of judicial case management techniques for only one specie of complex litigation -- patent cases. There, it proposes heightened pleading requirements – but not even across the board. In further fragmentation, the bill exempts pharmaceutical companies filing under Section 271(e)(2). Section 3. Absent H.R. 9, a district court judge focuses on the totality of the given case and how best to achieve justice efficiently and economically. Next, H.R. 9 proposes a patent rule awarding fees and other expenses to the prevailing party unless the court finds "that the position and conduct of the nonprevailing party or parties were reasonably justified in law and fact or that special circumstances (such as severe economic hardship to a named inventor) make an award unjust." Section 3.

No need now exists. Just last Term, the Supreme Court addressed Section 285 fees in Octane Fitness v. ICON Health & Fitness and Highmark Inc v. Allcare Health Management Systems. Since then, district courts have granted post-Octane fees relief in at least 20 cases (as of January 15, 2015). This body of precedent is building. Moreover, pleading detail, discovery scope and timing, and case management techniques (such as the sequencing of claim construction) are within the scope of pending amendments to the Federal Rules of Civil Procedure. These Judicial Conference proposals will likely arrive at the Congress (pursuant to the Rules Enabling Act itself) this Spring. We support the Judiciary's increased emphasis on early case management. Finally, new case filings have dropped, by one count, from 6238 in 2013 to 5036 in 2014. At the same time, the post-AIA PTAB administrative docket increased (1677 in 2014). This shows a significant process shift making H.R. 9's proposed terms premature.

Section 9(b) of H.R. 9 calls for the PTO to use district court claim construction principles. As we mentioned in December, this language would alter the current and long-standing practice, Manual of Patent Examining Procedure, Ch. 2111, requiring that the PTO give pending claims "their broadest reasonable interpretation consistent with the specification" (BRI). Because the courts ultimately review the patents that emerge from the PTO, usage of the courts' standard fosters predictability.

If we can help further, please feel welcome to contact me at brookshire1@fedcirbar.org. We would be pleased to assist you and your staff in this important effort.

Sincerely,



James E. Brookshire
Executive Director

"Make a Difference"

February 24, 2015

The Honorable Chuck Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable Patrick Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable John Conyers
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Grassley, Ranking Member Leahy, Chairman Goodlatte and Ranking Member Conyers:

As Congress considers legislation related to the U.S. patent system, American universities and associated technology transfer foundations and organizations stand ready to work with you to address the patent litigation abuses we all agree are a problem. We are deeply concerned, however, that much of the patent legislation currently being discussed in Congress, including the Innovation Act, H.R. 9, goes well beyond what is needed to address the bad actions of a small number of patent holders, and would instead make it more difficult and expensive for patent holders to defend their rights in good faith.

Two such proposals – mandatory fee-shifting and involuntary joinder – are especially troubling to the university community because they would make the legitimate defense of patent rights excessively risky and thus weaken the university technology transfer process, which is an essential part of our country’s innovation and entrepreneurial ecosystem.

The continuing success of university technology transfer depends on a robust patent system that provides strong protection for inventions, enabling universities to license these patented inventions to private sector enterprises to create socially beneficial products and services. U.S. universities, along with related nonprofit research institutions, conduct over half of the basic research in the United States, approximately 60 percent of which is federally funded. The Bayh-Dole Act of 1980 allows universities to license the resulting patents to the private sector for commercialization. University technology transfer provides a rich return on both public and private funding for basic research in the form of countless innovative products and services that today benefit the public, create jobs, and contribute to U.S. economic competitiveness and global technological leadership.

The CAT scan and MRI, FluMist and many other commonly used vaccines, GPS, bar codes, Doppler radar, web browsers and the Internet itself are just a few of the best-known university innovations. In 2013, U.S. universities were issued more than 5,200 patents, and research performed at universities led to the formation of 818 new start-up companies. More than three-quarters of these new start-up companies had their primary place of business in the licensing institution’s home state.

The fee-shifting proposals would require courts to award attorneys' fees and costs to the winning party in patent cases, with a possible waiver of fee-shifting based on vague, subjective criteria. The prospect of substantially increased financial risk would discourage universities and other patent holders lacking extensive litigation resources from legitimately defending their patents. Moreover, this increased risk would deter potential licensees and venture capitalists from investing in university patents in the first instance, reducing the number of research discoveries that advance to the marketplace. The impact of fee-shifting would be magnified by proposed provisions calling for involuntary joinder, which could force universities and inventors into paying damages for actions of third parties over which they had no control. In some cases, such damage awards could devastate technology transfer operations.

We hope that, as you assess potential changes to patent law, you will take into consideration a number of recent judicial and administrative actions. These actions include Supreme Court decisions that expanded judges' discretionary power to shift costs when a party has filed a frivolous lawsuit or otherwise behaved badly; the Judicial Conference's proposed changes to the Federal Rules of Civil Procedure that would ensure that patent cases are bound by the same rigorous pleading and discovery standards required of all other federal cases; and the implementation of the America Invents Act's new Inter Partes Review and Post Grant Review proceedings, which are contributing to a significant reduction in patent litigation.

As Congress renews its efforts to enact patent litigation reforms, we believe it is imperative that any legislation avoid sweeping changes that would weaken our overall patent system and hinder the flow of groundbreaking advances from university research to the private sector, which catalyzes economic growth, creates jobs, and improves the lives of all Americans. We look forward to working with you and your staffs to ensure that any legislative changes are targeted, measured, and carefully calibrated to safeguard this nation's global leadership in innovation.

We know you take these issues seriously and appreciate your genuine interest in addressing patent litigation abuses.

Sincerely,

Arizona State University
Auburn University
Binghamton University, SUNY
Boise State University
Boston University
Brandeis University
Brown University
California Institute of Technology
Carnegie Mellon University
Case Western Reserve University
The City University of New York
Clemson University

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University at Buffalo, SUNY
University of North Carolina at Chapel Hill
University of Akron Research Foundation
University of Alabama at Birmingham
University of Alaska
University of Alaska Anchorage
University of Alaska System
University of Arizona
University of Arkansas
University of Central Florida
The University of Chicago
University of Cincinnati
University of Colorado - Anschutz Medical Campus
University of Colorado 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
University of Illinois at Chicago
University of Illinois at Urbana-Champaign
University of Iowa
University of Kansas
University of Kentucky
University of Louisiana at Lafayette
University of Louisville
University of Maine
University of Maryland at College Park
University of Maryland, Baltimore County
University of Massachusetts
University of Massachusetts Boston
University of Massachusetts Lowell

University of Michigan
University of Minnesota, Twin Cities
University of Missouri in Columbia
University of Missouri System
University of Montana
University of Nebraska
University of Nevada, Reno
University of New Hampshire
University of New Mexico
University of New Orleans
University of North Carolina at Wilmington
University of North Carolina System
University of North Dakota
University of Notre Dame
The University of Oklahoma
University of Oregon
University of Pennsylvania
University of Pittsburgh
University of Rhode Island
University of Rochester
University of South Alabama
University of South Carolina
University of South Florida
University of Southern California
The University of Southern Mississippi
The University of Tennessee, Knoxville
The University of Texas at Austin
The University of Toledo
University of Virginia
University of Washington
The University of Wisconsin-Madison
University of Wyoming
Virginia Commonwealth University
Washington State University
Washington University in St. Louis
Wayne State University
West Virginia University
Western Michigan University
Yale University

CC: Members of the United States Senate and United States House of Representatives



February 12, 2015

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles Grassley
Chairman
Committee on the Judiciary
U.S. Senate
Washington, DC 20510

The Honorable John Conyers
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable Patrick Leahy
Ranking Member
Committee on the Judiciary
U.S. Senate
Washington, DC 20510

Dear Chairmen and Ranking Members of the House and Senate Committees on the Judiciary,

The Alliance of U.S. Startups and Inventors for Jobs (USIJ) is a group of nearly 50 Silicon Valley-based innovative startups, inventors, investors and entrepreneurs. Collectively, we have launched dozens of companies in areas ranging from biotechnology to medical devices and wireless technology. We invent real things and create real companies. We also rely on the strength of the U.S. patent system to create these companies, breakthroughs and jobs. In no other country on earth could we do what we do, and it is a direct result of the value the U.S. places on invention and intellectual property.

A strong patent system provides the assurance that if the inventor and investor take a risk and create a successful product or technology, they can protect that idea and be rewarded for it before being overrun by competitors. This assurance is crucial. It provides a sound foothold to begin competing in the marketplace, and ensures larger companies and foreign competitors cannot simply take the inventors' product or technology and drive them out of the market.

Unfortunately, Congress is again considering legislation that would fundamentally alter this dynamic and make it dramatically harder for start ups and innovators in the U.S. to continue to flourish and thrive. Legislation, such as the Innovation Act, would make valid U.S. patents much more difficult to enforce when held by small companies and would undercut the vibrant

culture of invention and investment that has created countless new companies, driven job growth and provided the foundation of America's competitiveness. America, since its founding, has created more patents proportionately by individuals and small companies versus large companies than any other country. We need to support and empower our inventors and entrepreneurs, not devalue their work to benefit large corporations and foreign competitors who view intellectual property held by small entities as an inconvenient burden to their profits.

Our members, and the inventor community in Silicon Valley and throughout the U.S., urge Congress to do **two things**:

- First, do not legislate without taking into account the dramatic changes that have occurred in the patent litigation landscape in the past year, and
- Begin work on a set of reforms that are actually pro-innovation, pro-small inventor, and that empower the investment in technology and the entrepreneurship that leads to new companies and industries. The Innovation Act does none of these things, rather it protects large companies' ability to routinely infringe the patents of smaller competitors.

It seems inconceivable to us that Congress could consider legislation impacting the most dynamic segments of our economy while largely ignoring what is happening in the courts and in the marketplace.

Recently, Supreme Court decisions, the Federal Trade Commission, the USPTO, and the Judicial Conference have addressed nearly all of the issues that many have claimed will fix the “patent troll” problem.

In its *Alice Corp. v. CLS Bank Int'l* decision, the Supreme Court (for the fourth time in as many years) held that an invention was not eligible for patent protection under 35 U.S.C. § 101 because the invention was directed to the “[l]aws of nature, natural phenomena, [or] abstract ideas.” This significantly narrowed the scope of patentability for many software based business model applications.

In a second recent case, Octane Fitness, LLC v. Icon Health & Fitness, Inc. the Court significantly lowered the threshold for judges to award attorneys' fees in patent cases where one party demonstrates inappropriate or abusive behavior. This judgment directly addresses the call for a system that punishes abusive behavior in litigation by establishing a clear standard for fee shifting that is already starting to have an impact.

The FTC also stepped in and exerted its legal authority last year to punish a notorious patent assertion entity with a history of abusive behavior.

The Judicial Conference is making improvements to rules for discovery and pleading requirements in patent cases that will take effect in December 2015.

The USPTO is also tackling patent quality and has recently appointed the first Deputy Director for Patent Quality.

Finally, as a likely result of many of these developments, the filing of U.S. patent infringement cases dropped 40% from September 2013 to September 2014 according to patent analytics firm Lex Machina.

These developments are having an impact. What Congress is currently considering in the Innovation Act is not just unnecessary, it would do real damage to, not just our companies, but to the entire innovation ecosystem in the U.S.

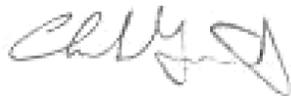
We join other major patent owners, researchers, inventors, universities and startups in a willingness to collaborate to find narrow, tailored solutions that fit real problems. We do not support a major overhaul to our patent system to lower the costs for major corporations and foreign competitors who flout the intellectual property of others and wish to eliminate the ability of these patent owners to seek remedy. To the extent small retailers are the target of abusive patent demand letters, let's fix that. The FTC has already shown it has the legal authority to address the problem and is willing to take action.

The U.S. has a 200-year legacy of respecting invention that traces its roots to the Constitution. Our system can always be improved, but we must prioritize the role that inventors, entrepreneurs and job creators play and we must recognize that they are dependent on strong patent protection to drive investment and support their success in the market. Large companies have many different assets to protect their business, small inventors and startups require the protection of their sweat and equity for which the patent system was created.

We are committed to working with the leaders in Washington on a set of solutions to strengthen our patent system and address abuses in a way that does not harm U.S innovation leadership or threaten our place as the most inventive, creative and dynamic economy in the world. USIJ looks forward to working with the Judiciary Committees to ensure that the patent system is strengthened.

Again, thank you for your leadership on these important issues.

Sincerely,



Charles Giancarlo
Chairman of the Board of Advisors for The Alliance of U.S. Startups and Inventors for Jobs

Cc: Members of the House and Senate Judiciary Committees

April 14, 2015

The Honorable Bob Goodlatte Chairman
House Committee on the Judiciary
Washington, DC 20515

The Honorable John Conyers Ranking Member
House Committee on the Judiciary
Washington, DC 20515

Dear Chairman Goodlatte and Ranking Member Conyers,

On behalf of the Medical Device Manufacturers Association (MDMA) and the hundreds of innovative and entrepreneurial medical technology companies we represent, I am writing to share our concerns with H.R. 9, The Innovation Act. Our members, the majority of which are small, venture-backed, start-ups, rely upon a strong patent system to attract the capital needed to invest in and develop new life-saving technologies. Changes to the patent system that would devalue property rights or the ability to protect intellectual property will have a chilling effect on developing the medical cures and treatments of tomorrow.

The issue of “patent trolls” is an emerging one in medical technology, and MDMA supports balanced efforts to improve the U.S. patent system and agrees that targeted steps can be taken to curb abusive patent litigation. However, the provisions in H.R. 9 that purport to target only abusive patent practices are so broadly drafted that they would make the defense of legitimate intellectual property from infringement more costly and burdensome, and discriminate against innovation models such as those who develop technologies and license them to larger players for distribution purposes. The patent is the lifeblood of the medical technology industry and serves as the bedrock on which risk-taking entrepreneurs are able to create new markets and new jobs, and most importantly, deliver break-through technologies to patients who need them.

MDMA respectfully requests that the Committee reconsider the far-reaching approach to patent legislation under H.R. 9 and address the issues below before moving patent legislation that could jeopardize our fragile innovation ecosystem:

Establish a balanced fee shifting threshold

Fee shifting is warranted in cases where a party acted in bad faith or was unreasonable. The courts have the authority to impose fees on a party that asserts a patent in bad faith, and the Supreme Court’s recent rulings in *Octane* and *Highmark* have further relaxed the standard for recovering attorney’s fees. Moving to a loser pays system that removes this discretion from the court is an unnecessary weakening of judicial authority and will discourage smaller patent holders from legitimately defending their patents against dominant incumbent companies who could bankrupt them in court. Faced with the prospect of having to cover the legal expenses of

larger companies, start-up companies with limited capital either will not bring otherwise meritorious cases against infringers of their patents or will be forced into early settlements when defending against alleged infringement. The perverse incentives created by this provision would encourage infringement by large incumbent players who could easily handle the expense of covering the legal expenses of the prevailing party in cases they lose and cripple the ability of small inventors to defend their intellectual property.

We are also concerned that the joinder language would drive venture capitalists and other investors out of patent intensive industries like the medical device industry. It takes years, sometimes a decade or more, and tens of millions of dollars to secure regulatory approval and reimbursement for new medical devices. Because the industry is so highly regulated, investment in early-stage medical device companies is a very risky proposition. Exposing investors to the significant financial liabilities created by the joinder provision would further discourage investment in the breakthrough medical technologies of tomorrow.

Significantly narrow or eliminate the customer stay language

All parties support indemnification for the true end user. In fact, in the medical technology space, end users (doctors and patients) are already shielded from patent liability. However, the current customer stay provision is so broad that it could protect direct infringers and should be modified so that it does not indemnify parties in the chain of commerce that have a clear commercial interest in infringement.

Require balance in any heightened pleadings requirements and discovery limits

The proposed heightened pleadings requirements and discovery limits prior to claim construction will create an imbalance and burden for smaller patent holders seeking to assert their patent rights.

The fact that certain elements or facts are not known or included in the initial pleadings, should not limit a petitioners ability to gain access to those facts and amend pleadings. The combination of heightened pleadings and limited discovery is a “double jeopardy” of sorts that requires a petitioner to guess at detailed facts that may not be in their possession (e.g. how a product is manufactured), and then be penalized by not being able to obtain the facts, even those that may establish clear infringement. While there is variability in local practice, certain jurisdictions, like the Northern District of California, do a very good job ensuring specificity at the appropriate times. Standardizing that practice instead of creating yet another approach that creates barriers to legitimate challenges seems the prudent course.

Furthermore, the Judicial Conference of the United States has already adopted changes to the Federal Rules of Civil Procedure that direct courts to limit excessive and abusive discovery requests and ensure adequately described pleadings in patent cases. These reforms are expected to be fully implemented this year.

Maintain strong estoppel for the newly created post-grant review (PGR) process

PGR was established as a mechanism to provide an administrative option that would reduce litigation in the courts. To achieve this objective, strong estoppel is required. Reducing the estoppel threshold would result in serial challenges that would be abusive to patent holders, particularly start-up companies and entrepreneurs. Post-Grant Review is a litigation-like proceeding that requires a patentee to undergo significant costs and distraction to defend their patent. Parties challenging a patent should not be given multiple bites at the apple. “Could have raised” estoppel prevents a challenger from withholding certain arguments so the challenger can raise them in another later challenge. Eliminating such estoppel would burden the patent system, increase litigation, and require significant resources to be spent by smaller patent holders to defend themselves in multiple settings. If “could have reasonably raised” is considered overly burdensome given the 9-month window, we recommend amending the provision to read “or reasonably could have raised based on the information actually known or in possession of the petitioner [sufficient to support a challenge at the time of the initial filing].” This would put to rest any concerns that the estoppel might apply to information not actually known to the petitioner or that is findable only by performing a search.

Permanently end the diversion of patent fees from the US Patent and Trademark Office (USPTO)

Over the past 20 years, the practice of fee diversion has resulted in over \$1 billion in diverted fees which have produced more than 600,000 unexamined patent applications during that same timeframe. All parties agree that a key element to a fair and effective patent system begins with the issuance of strong, valid patents. Many of the complaints about patent trolls include allegations that these entities are asserting “bad patents” that should never have been granted. The most effective action that can be taken to improve patent quality is to allow the USPTO to retain its revenues to allow it to improve the examination process, hire more and better-qualified examiners, increase examiner training, and upgrade the USPTO’s IT infrastructure. This should be a core element of any legislation aimed at addressing the “troll” problem. The continual diversion of hundreds of millions of dollars from USPTO to the US Treasury is a tax on innovation and must end.

We appreciate the efforts of the Judiciary Committee to address abusive practices in the patent system, but respectfully request that enhancements to the bill raised in this letter are made before the legislation is brought to the floor for a vote. It's critical that legislation impacting such a broad cross-section of the economy and constitutionally protected property rights is narrowly focused to address the abuses of patent trolls while protecting the patent system for all stakeholders. Failure to deliberate thoughtfully and make the necessary changes to mitigate these unintended consequences will undermine our country's leadership position in innovation and America's future economic growth and competitiveness.

Thank you for your consideration of our views and concerns.

Sincerely

A handwritten signature in black ink, reading "Mark B. Leahey", written over a light blue rectangular background.

Mark B. Leahey
President & CEO, MDMA

January 21, 2015

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable John Conyers
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

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

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

Dear Chairman Goodlatte, Chairman Grassley, Rep. Conyers, and Senator Leahy:

The undersigned represent a broad coalition whose members represent the majority of the nation's patent holders and inventors. We are a diverse array of American innovators, ranging from universities and non-profit foundations, to start-ups and small businesses, to manufacturing, technology, and life sciences companies. Together we represent thousands of organizations that employ millions of workers in the United States. We all believe that the future of the U.S. economy, including domestic job growth and our competitive advantage in the global economy, depends on a strong patent system that incentivizes innovators to invent and protects their inventions from unfair copying by others.

We appreciate the hard work you and your staffs have undertaken to craft a bill to target abusive practices in patent litigation, and we accept your challenge to our member groups to work with you to craft a responsible bill to address those abuses. As we have demonstrated in the past, we are willing to work with you and other stakeholders to develop targeted and measured reforms that address harmful patent enforcement practices. However, we will continue to strongly oppose legislation that would weaken the overall patent system and thereby diminish innovation and job creation in the United States.

In addition, there have been several major judicial and administrative developments in patent law since the last time your committees fully considered these issues and drafted proposed legislation. As a result of these developments, we are even more concerned that some of the measures under consideration over the past year go far beyond what is necessary or desirable to combat abusive litigation. Indeed, new patent lawsuit filings already have dropped dramatically – 40 percent, year over year, from September 2013 to 2014. Recent developments include the following:

- The Supreme Court decided five patent cases this past year, including *Alice Corporation v. CLS Bank*, *Nautilus v. Biosig Instruments*, *Limelight Networks v. Akamai Technologies*, *Octane Fitness v. ICON Health & Fitness*, and *Highmark Inc. v. Allcare Health Management Systems*, that are already making it easier to defeat patents, including the kind of patents that often are asserted in abusive litigation, and disincentivizing the

bringing of meritless claims. They certainly require thorough Congressional consideration as changes to the patent system are debated.

- The Leahy-Smith America Invents Act (AIA), which includes a number of provisions to increase patent quality and reduce abusive practices, was fully implemented less than two years ago, and its effects are only now beginning to take hold. For example, the AIA created new procedures – “inter partes review” (IPR) and “covered business method patent review” (CBM) – to allow anyone to challenge patents in a fast, relatively inexpensive proceeding before the Patent Trial and Appeal Board (PTAB). These administrative proceedings are already impacting the litigation landscape: judges in patent cases are now granting 80% of all motions to stay patent litigation if the patent is also involved in a parallel IPR or CBM proceeding. This is not to suggest that improvements are not needed with respect to implementation by the U.S. Patent & Trademark Office (USPTO), particularly with respect to concerns raised that these proceedings may be structured in a way that fails to afford basic due process to patent owners. In just two years since the USPTO implemented the new procedures in late 2012, petitioners have challenged claims of more than 2,300 patents. In concluded proceedings, fully 75% of the involved claims have been found unpatentable and only about 20% of patents have survived the proceeding with no changes.
- This past October, the Judicial Conference of the United States adopted changes to the Federal Rules of Civil Procedure that will ensure that patent cases meet the heightened pleading standards required of all other federal cases. The changes also will ensure that discovery in patent litigation will be “proportional to the needs of the case,” reducing the ability of patent plaintiffs to use unnecessary discovery requests to drive up costs for defendants in an effort to force unwarranted settlements. These rule changes make any statutory provision heightening pleading standards or limiting the scope of discovery in patent cases unnecessary and repetitive, since courts now have been directed to limit excessive and abusive discovery requests and ensure adequately described pleadings in patent cases. The rule changes are currently pending before the Supreme Court and are expected to be sent to Congress in early 2015.
- The Federal Trade Commission and state attorneys general also are aggressively using their authority to combat abusive patent demand letters and protect small businesses and consumers from unscrupulous practices. Instead of collecting settlement fees, senders of mass demand letters now find themselves mired in legal proceedings and their patents subject to challenges. Settlements between MPHJ Technology Investments LLC and the New York Attorney General and the FTC in January and November show the effectiveness of consumer protection and unfair competition laws at protecting small businesses from abusive and deceptive representations in demand letters.

Taken together, these judicial and administrative developments, and the plunge in the patent litigation rate, have fundamentally changed the landscape under which patent legislation should be considered. As Congress considers potential changes to the patent system that threaten the constitutionally-guaranteed property rights of innovators, it must assess the full

effects of the AIA, changes to the Federal Rules of Civil Procedure, the case law developments, and these administrative developments.

We look forward to working with you and your colleagues to make improvements to patent law that protect small businesses, consumers, and the general public from abusive patent practices, while zealously guarding the United States' competitive edge as the dominant global leader in innovation.

Thank you for your consideration of our views.

Sincerely,

Abcam
Cambridge, MA

Abengoa Bioenergy
Chesterfield, MO

Access Technologies Group, Inc.
New Canaan, CT

Acorda Therapeutics
Ardsley, NY

Actuated Medical, Inc.
Bellefonte, PA

ADA Technologies, Inc.
Littleton, CO

Advanced Technology Ventures (ATV)
Palo Alto, CA

Aegerion Pharmaceuticals
Cambridge, MA

Alexion Pharmaceuticals
Cheshire, CT

Alnylam Pharmaceutical
Cambridge, MA

American Seed Trade Association
Alexandria, VA

Amgen
Thousand Oaks, CA

Amicus Therapeutics
Cranbury, NJ

AMJET Turbine Systems, LLC
Keokuk, IA

Analytic Design Laboratories
Plain City, UT

Antaya Science and Technology
Hampton, NH

AquaBounty Technologies
Maynard, MA

Aquadation Technologies LLC
Austin, TX

Architecture Technology Corporation
Eden Prairie, MN

Arizona BioIndustry Association
Chandler, AZ

Association of American Universities
Washington, DC

Association of Public Land Grant Universities
Washington, DC

AstraZeneca Pharmaceuticals
Wilmington, DE

Athersys
Cleveland, OH

Atlas Venture
Cambridge, MA

aTyr Pharma
San Diego, CA

Auxilium Pharmaceuticals
Chesterbrook, PA

Aware, Inc.
Bedford, MA

Bavarian Nordic
Mountain View, CA

Bay Area In-House MedTech Attorneys (BAIMA)

BayBio
South San Francisco, CA

Bayer CropScience LP
Research Triangle Park, NC

Bennett Aerospace
Cary, NC

Bi-Level Technologies
Encinitas, CA

Biocom
San Diego, CA

BioFlorida, Inc.
West Palm Beach, FL

Biogen Idec
Cambridge, MA

BioHouston
Houston, TX

Bio Nebraska Life Sciences Association
Omaha, NE

BioNJ
Trenton, NJ

BioOhio
Columbus, OH

BioScience Association of Maine
Biddeford, ME

Biotechnology Industry Organization (BIO)
Washington, DC

bluebird bio
Cambridge, MA

BrainScope Company, Inc.
Bethesda, MD

Brew Data LLC
Cedar Rapids, IA

California Healthcare Institute – CHI
La Jolla, CA

Cedars-Sinai Medical Center
Los Angeles, CA

Celgene
Summit, NJ

Center for Health Care Services
San Antonio, TX

Cianna Medical, Inc.
Aliso Viejo, CA

Ciencia, Inc.
East Hartford, CT

Cleveland Medical Devices Inc.
Cleveland, OH

Colorado BioScience Association
Denver, CO

Colorado School of Mines
Golden, CO

CoLucid Pharmaceuticals
Durham, NC

Conatus Pharmaceuticals
San Diego, CA

CONNECT
San Diego, CA

Cotera, Inc.
Menlo Park, CA

CropLife America
Washington, DC

CSL Behring
King of Prussia, PA

Cummins Allison Corporation
Mount Prospect, IL

CURE – Connecticut United for Research Excellence, Inc.
New Haven, CT

CyberLogic, Inc.
New York, NY

Cybernet Systems Corporation
Ann Arbor, MI

CymaBay Therapeutics
Newark, CA

Dallas IEEE
Dallas, TX

Delaware Bio
Newark, DE

Design Interactive, Inc.
Orlando, FL

Digimarc Corporation
Beaverton, OR

Dolby Laboratories, Inc.
San Francisco, CA

DSM North America
Parsippany, NJ

DuPont
Johnston, IA

Dynatronics Corporation
Salt Lake City, UT

Eagle Forum
St. Louis, MO

EccoCast Communications
Iowa City, IA

Edison Nation
Charlotte, NC

Electric Drivetrain Technologies LLC
Moab, UT

Electron Technologies, Inc.
Chantilly, VA

ElliptiGO Inc.
Solana Beach, CA

Engine Research Associates, Inc.
Fort Wayne, IN

Enteromedics
Saint Paul, MN

Entrepreneurs for Growth
Burke, VA

Enventys
Charlotte, NC

Exagen Diagnostics
Albuquerque, NM

Exemplar Genetics, LLC
Sioux City, IA

ExploraMed Development, LLC
Mountain View, CA

ExploraMed NC7, Inc.
Mountain View, CA

Fallbrook Technologies Inc.
Cedar Park, TX

FishEye Software, Inc.
Maynard, MA

Flocel Inc.
Cleveland, OH

FM Technologies, Inc.
Chantilly, VA

ForSight Labs LLC
Menlo Park, CA

ForSight Vision4, Inc.
Menlo Park, CA

ForSight Vision6, Inc.
Menlo Park, CA

FORUM Pharmaceuticals
Watertown, MA

The Foundry, LLC
Menlo Park, CA

Gain ICs, LLC
Colorado Springs, CO

Genzyme
Cambridge, MA

Georgia Bio
Atlanta, GA

GlobeImmune
Louisville, CO

GlycoMimetics
Gaithersburg, MD

Gradient Technologies LLC
Memphis, TN

Great Lakes NeuroTechnologies Inc.
Cleveland, OH

Green Tape LLC
Greenwood Village, CO

Ground Zero Pharmaceuticals, Inc.
Irvine, CA

HF Holding, Inc.
Basin, MT

Hammersmith Ventures
Austin, TX

Horizon Pharma
Deerfield, IL

Hydra Biosciences
Cambridge, MA

iChromatography/Analtech, Inc.
Newark, DE

IEEE-USA
Washington, DC

Ikaria, Inc.
Hampton, NJ

Illinois Biotechnology Industry Organization
Chicago, IL

Immune Design
Seattle, WA

Indiana Health Industry Forum
Indianapolis, IN

Indiana Manufacturers Association
Indianapolis, IN

Industry-University Research Center, Inc. (INDUNIV)
San Juan, PR

Infinity Pharmaceuticals
Cambridge, MA

Innovation Alliance
Washington, DC

Innovative Surface Technologies, Inc.
Saint Paul, MN

Innovative Technology Applications Company, LLC
Chesterfield, MO

Intercept Pharmaceuticals
New York, NY

InterDigital, Inc.
Wilmington, DE

InterScience, Inc.
Troy, NY

Inventors Center of Kansas City
Kansas City, MO

Invocon, Inc.
Conroe, TX

Iowa Biotechnology Association
Des Moines, IA

Iowa Inventors Group
Cedar Rapids, IA

IsoTherapeutics Group, LLC
Angleton, TX

ItsOn, Inc.
Redwood City, CA

KBS Automist
Baxter, MN

Kentucky Life Sciences Council
Louisville, KY

Keystone Aerospace
Austin, TX

Keystone Synergistic Enterprises, Inc.
Port St. Lucie, FL

Kineta, Inc.
Seattle, WA

Kinetic Resolve, Inc.
Stillwater, MN

Licensing Executives Society (USA and Canada), Inc.
Alexandria, VA

LifeScience Alley
St. Louis Park, MN

Life Science Tennessee
Nashville, TN

Lightstone Ventures
Palo Alto, CA

MacroGenics
Rockville, MD

Maetrics LLC
Indianapolis, IN

Magnet Optimization Research Engineering (M.O.R.E.), LLC
Reading, MA

Massachusetts Biotechnology Council (MassBio)
Cambridge, MA

MaxCyte
Gaithersburg, MD

MCG BioComposites, LLC
Cedar Rapids, IA

MedCara Pharmaceuticals
Conrad, IA

Medical Device Manufacturers Association
Washington, DC

Membrane Technology and Research, Inc.
Newark, CA

Merck & Co., Inc.
Kenilworth, NJ

MichBIO
Ann Arbor, MI

Minnesota Inventors Congress
Redwood Falls, MN

Miramar Labs, Inc.
Santa Clara, CA

Missouri Biotechnology Association (MOBIO)
Jefferson City, MO

Modulated Imaging
Irvine, CA

Monsanto
St. Louis, MO

Montana BioScience Alliance
Billings, MT

Morgenthaler Ventures
Menlo Park, CA

National Small Business Association
Washington, DC

Navidea Biopharmaceuticals
Dublin, OH

NAVSYS Corporation
Colorado Springs, CO

Neotract, Inc.
Pleasanton, CA

NeuroPace
Mountain View, CA

NeuroWave Systems Inc.
Cleveland Heights, OH

New Venture Advisors
Manchester, NH

New Mexico Biotechnology & Biomedical Association
Albuquerque, NM

NewYorkBIO
New York, NY

North Carolina Biosciences Organization (NCBIO)
Research Triangle Park, NC

Nuelle, Inc.
Mountain View, CA

OncoMed Pharmaceuticals
Redwood City, CA

Open Innovators
Hebron, CT

Opexa Therapeutics
The Woodlands, TX

Orbital Research Inc.
Cleveland, OH

Oregon Bioscience Association
Portland, OR

Orexigen Therapeutics
La Jolla, CA

Orthopedic Venture Partners
Minneapolis MN

OvaScience
Cambridge, MA

Pacira Pharmaceuticals
Parsippany, NJ

Patent Bakery LLC
Austin, TX

Patent Office Professional Association
Alexandria, VA

Pennsylvania Bio
Wayne, PA

PhRMA
Washington, DC

Precision Combustion, Inc.
North Haven, CT

Principia Biopharma
South San Francisco, CA

Propel LLC
Pawtucket, RI

PTC Therapeutics
South Plainfield, NJ

Qualcomm
San Diego, CA

Qualtech Systems, Inc.
East Hartford, CT

Quantum Interface
Austin, TX

Reaction Biology Corporation
Malvern, PA

Receptos
San Diego, CA

Recombinetics
Saint Paul, MN

Regulus Therapeutics
San Diego, CA

Relypsa
Redwood City, CA

Rio Grande Valley Diabetes Association
Edinburg, TX

Rocky Mountain Technologies Inc.
Basin, MT

SAb Biotherapeutics
Sioux Falls, SD

Safety First USA, Inc.
Marion, IA

SCBIO
Greenville, SC

Schaefer Technologies, Inc.
Indianapolis, IN

Science & Sensors Technologies
Los Angeles, CA

Small Business Technology Council
Washington, DC

Smiths Medical
Dublin, OH

SoCalBio
Los Angeles, CA

Sofinnova Ventures
Menlo Park, CA

Solace Therapeutics
Framingham, MA

South Dakota Biotech Association
Sioux Falls, SD

Southwest Sciences, Inc.
Santa Fe, NM

Startech International
San Antonio, TX

Student Employment Software, LLC
Greenwich, CT

Sucampo Pharmaceuticals, Inc.
Bethesda, MD

Sunovion Pharmaceuticals
Marlborough, MA

Syndax Pharmaceuticals
Waltham, MA

Tessera Technologies, Inc.
San Jose, CA

Texas BioAlliance
Houston, TX

Texas Eagle Forum
Dallas, TX

Texas Healthcare and Bioscience Institute
Austin, TX

Texas Life-Sciences Collaboration Center
Georgetown, TX

Texas Life Science Foundation
Austin, TX

Theoris Group Inc.
Indianapolis, IN

Thomson Licensing LLC
Princeton, NJ

Trevena
King of Prussia, PA

Twelve, Inc.
Menlo Park, CA

Unilife Corporation
York, PA

U.S. Business and Industry Council
Washington, DC

U.S. Startups and Inventors for Jobs
Washington, DC

Valeritas
Bridgewater, NJ

Vermont BioSciences Alliance
Burlington, VT

Versartis
Menlo Park, CA

Virginia Biotechnology Association (Virginia Bio)
Richmond, VA

Vitae Pharmaceuticals
Fort Washington, PA

Washington Biotechnology & Biomedical Association (WBBA)
Seattle, WA

Wisconsin Alumni Research Foundation
Madison, WI

Yorktown Technologies
Austin, TX

Zatorski Coating Co., Inc.
East Hampton, CT

cc: The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Harry Reid
Minority Leader
United States Senate
Washington, DC 20510

The Honorable John Cornyn
Majority Whip
United States Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Minority Whip
United States Senate
Washington, DC 20510

The Honorable John Boehner
Speaker
United States House of Representatives
Washington, DC 20515

The Honorable Nancy Pelosi
Minority Leader
United States House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Majority Leader
United States House of Representatives
Washington, DC 20515

The Honorable Steny Hoyer
Minority Whip
United States House of Representatives
Washington, DC 20515

Members of the House Judiciary Committee

Members of the Senate Committee on the Judiciary