
May 15, 2007

The Honorable Nancy Pelosi
Speaker of the House
H-232, the U.S. Capitol
Washington, DC 20515

The Honorable Harry Reid
Senate Majority Leader
S-221, the U.S. Capitol
Washington, DC 20510

The Honorable John Boehner
House Minority Leader
H-204, the U.S. Capitol
Washington, DC 20515

The Honorable Mitch McConnell
Senate Minority Leader
S-230, the U.S. Capitol
Washington, DC 20510

Dear Speaker Pelosi, Leader Reid, Leader Boehner and Leader McConnell:

On behalf of the undersigned companies, associations, venture capital firms and academic institutions representing and working with our nation's pioneering industries – electronics, telecommunications, life sciences, computer hardware, financial services, chemical, and biotechnology – we are writing to voice concern with certain provisions of patent reform legislation (H.R. 1908/S. 1145 – The Patent Reform Act of 2007) currently under consideration by Congress. We believe in measured and equitable patent reform that enhances clarity, fairness, and objectivity in our patent system to the benefit of innovative businesses in all sectors of our nation's economy. Unfortunately, we also believe that some of the proposed reform provisions hold serious negative consequences for continued innovation and American technological leadership in the increasingly competitive 21st century global economy.

As recognized in *The Innovation Agenda*, “Americans must continue to innovate in order to create new thriving industries that will produce millions of good jobs here at home and a better future for the next generation.” We wholeheartedly agree, and support the *Agenda's* goals of educating a new generation of innovators, sustaining the federal commitment to research and development, and removing the hurdles that hinder entrepreneurial, small business success.

We also support *The Innovation Agenda's* call to improve intellectual property protections, strengthen the patent system, and end the diversion of patent fees. To that end, we welcome the leadership of Chairman Howard Berman and Chairman Patrick Leahy in working to address several of the patent reform suggestions outlined by the National Academies and others in their recently introduced legislation. ***However, we strongly believe that certain provisions, such as those dealing with apportionment of monetary damages for patent infringement, expansive PTO rule making authority, an open-ended post grant opposition system, and a narrow grace period will not strengthen our patent system but instead will fundamentally undermine patent certainty, discourage investment in innovative***

technologies, and reduce publication and collaborative activities among academic scientists.

For companies (directly, and as university licensees) in industries such as ours, the consequences – greater bureaucracy, inability to rely on valid patents, weakened protections against infringement and a decreased access to capital -- would be devastating. The harm to investment in tomorrow’s technologies would be felt immediately, and would hurt U.S. competitiveness for years to come. As the U.S. presses for strong patent protections abroad, Congress should preserve strong protections at home, so that we retain our competitive edge in the global economy.

We remain committed to working with Congress in support of proposals to strengthen the U.S. patent system in ways that will preserve and promote innovation in businesses large and small, throughout all sectors of the economy. We therefore request, in the spirit of *The Innovation Agenda*, that you ensure that Congress carefully, deliberatively, and thoughtfully addresses these concerns as it considers the most dramatic patent reform legislation in over 50 years.

Thank you.

cc: The Honorable Patrick J. Leahy, Chairman, Senate Committee on the Judiciary;
The Honorable Arlen Specter, Ranking Member, Senate Committee on the Judiciary;
The Honorable John Conyers, Jr., Chairman, House Committee on the Judiciary;
The Honorable Lamar Smith, Ranking Member, House Committee on the Judiciary;
The Honorable Howard Berman, Chairman, Subcommittee on Courts, the Internet and Intellectual Property;
The Honorable Howard Coble, Ranking Member, Subcommittee on Courts, the Internet and Intellectual Property;
Members of Senate Committee on the Judiciary;
Members House Committee on the Judiciary.

Abbott
Abbott Park, IL

Affinergy, Inc.
Research Triangle Park, NC

Abeille Pharmaceuticals, Inc.
Princeton, NJ

Almyra, Inc.
Boxborough, MA

Acorn Cardiovascular Inc.
St. Paul, MN

AmberWave Systems
Salem, NH

Adams Capital Management
Sewickley, PA

Amylin Pharmaceuticals
San Diego, CA

Adroit Medical Systems, Inc.
Loudon, TN

Applied Medical Resources Corporation
Rancho Santa Margarita, CA

Argentis, LLC
Memphis, TN

Arizona BioIndustry Association
Scottsdale, AZ

ARYx Therapeutics
Fremont, CA

Ascenta Therapeutics, Inc.
San Diego, CA

Aspire Medical, Inc.
Sunnyvale, CA

AVAcure Technologies, Inc.
Ann Arbor, MI

Aware, Inc.
Bedford, MA

Barrier Therapeutics, Inc.
Princeton, NJ

Baxa Corporation
Englewood, CO

BioCardia, Inc.
South San Francisco, CA

BIOCOM
San Diego, CA

Biogen Idec
Cambridge, MA

BioMarin Pharmaceutical Inc.
Novato, CA

BioMedical Strategies LLC
La Jolla, CA

BioOhio
Columbus, OH

Biotechnology Council of New Jersey
Trenton, NJ

Biotechnology Industry Organization
Washington, DC

Boston Scientific Corporation
Natick, MA

BuzzLogic
San Francisco, CA

California Healthcare Institute
La Jolla, CA

Canopy Ventures
Lindon, UT

CardioDynamics
San Diego, CA

Celgene Corporation
Summit, NJ

Cell Genesys, Inc.
South San Francisco, CA

Colorado BioScience Association
Denver, Colorado

Corning
Corning, NY

Coronis Medical Ventures
Sunnyvale, CA

Dartmouth Regional Technology Center, Inc.
Lebanon, NH

Dynatronics Corporation
Cottonwood Heights, UT

Elan Pharmaceuticals, Inc.
San Diego and South San Francisco, CA

Emphasys Medical, Inc.
Redwood City, CA

Enterprise Partners Venture Capital
La Jolla, CA

eyeonics, Inc.
Aliso Viejo, CA

Fallbrook Technologies Inc.
San Diego, CA

Genentech, Inc.
South San Francisco, CA

Genmab A/S
Princeton, NJ

Genomic Health, Inc.
Redwood City, CA

Gen-Probe Incorporated
San Diego, CA

Georgia Biomedical Partnership
Atlanta, GA

Glacier Cross, Inc.
Kalispell, MT

Hawaii Science & Technology Council
Honolulu, Hawaii

Health Institute of New Jersey
Bridgewater, NJ

Helius, Inc.
Lindon, UT

iBIO
Chicago, IL

Indiana Health Industry Forum
Indianapolis, IN

InterDigital Communications Corporation
King of Prussia, PA

Intermolecular, Inc.
San Jose, CA

Invitrogen Corporation
Carlsbad, CA

Iowa Biotechnology Association
Des Moines, IA

ISTA Pharmaceuticals
Irvine, CA

Kansas Bioscience Organization (KansasBio)
Lenexa, KS

Life Science Alley
St. Louis Park, MN

LSI Corporation
Allentown, PA

Masimo Corporation
Irvine, CA

Massachusetts Biotechnology Council
Cambridge, MA

MassMEDIC
Boston, MA

Maxygen Inc.
Redwood City, CA

Medical Device Manufacturers Association
Washington, DC

MedImmune, Inc.
Gaithersburg, MD

Metabasis Therapeutics, Inc.
San Diego, CA

Metabolex, Inc.
Hayward, CA

MichBio
Ann Arbor, MI

MGI PHARMA, INC.
Bloomington, MN

Mohr Davidow Ventures
Menlo Park, CA

Monsanto
St. Louis, MO

Nektar Therapeutics
San Carlos, CA

NeuroPace, Inc.
Mountain View, CA

New Mexico Biotechnology and Biomedical
Association
Albuquerque, NM

The Norseman Group
Parsippany, NJ

North Carolina Biosciences Organization
Durham, NC

Novo Nordisk, Inc.
Princeton, NJ

NRG, Inc.
Plano, TX

NuVasive, Inc.
San Diego, CA

Nuvelo, Inc.
San Carlos, CA

Palmetto Biotech Alliance
Columbia, SC

Pennsylvania BIO
Malvern, PA

Princeton BioMeditech Corporation
Princeton, NJ

QUALCOMM, Inc.
San Diego, CA

Radiant Medical, Inc.
Redwood City, CA

Retractable Technologies, Inc.
Little Elm, TX

Sangamo Biosciences
Richmond, CA

Satiety, Inc.
Palo Alto, CA

SmoothShapes, Inc.
Merrimack, NH

Southern California Biomedical Council
Los Angeles, CA

StemCells, Inc.
Palo Alto, CA

Symyx Technologies, Inc.
Sunnyvale, CA

Tech Council of Maryland/MdBio
Rockville, MD

Tennessee Biotechnology Association
Nashville, TN

Tessera
San Jose, CA

Texas Healthcare and Bioscience Institute
Austin, TX

The University of New Hampshire
Durham, NH

The University of Utah
Salt Lake City, UT

USGI Medical
San Clemente, CA

Utah Technology Council
Salt Lake City, UT

Vertex Pharmaceuticals Incorporated
Cambridge, MA

Virginia Biotechnology Association
Richmond, VA

VisionCare Ophthalmic Technologies, Inc.
Saratoga, CA

Washington Biotechnology and Biomedical
Association
Seattle, WA

Wescor, Inc.
Logan, UT

Wisconsin Alumni Research Foundation
Madison, WI

Wisconsin Biotechnology & Medical Device
Association
Madison, WI