

October 23, 2007

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

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

Dear Senators Reid and McConnell:

On behalf of the more than 430 undersigned organizations representing American innovation from all 50 states and the District of Columbia in fields including agriculture, alternative energy, biotechnology, chemicals, computer hardware, computer software, computer networking, cosmetics, entertainment, financial services, food/beverage, health care, heavy industry, life sciences, manufacturing, medical devices, material science, nanotechnology, optics, security, semiconductors, space systems, startup incubation, telecommunications, venture capital, and internet-based businesses, we are writing to raise continuing concerns regarding S. 1145, The Patent Reform Act of 2007.

While we welcome efforts to make improvements to the U.S. patent system, we must make clear our opposition to S. 1145 as approved by the Senate Judiciary Committee. This bill contains provisions that will create uncertainty and weaken the enforceability of validly issued patents. Some of the proposed reform provisions, such as an expanded apportionment of damages, an indefinite post-grant opposition process, excessive venue restrictions, burdensome and expensive mandatory search requirements, and unworkable interlocutory appeal provisions, pose serious negative consequences for continued innovation and American technological leadership in a competitive global economy. In addition, the bill codifies the current inequitable conduct doctrine rather than to make broadly supported reforms to eliminate litigation abuse of the doctrine and gain increases in patent quality.

No compelling case has been made for a bill written in this fashion. It is based on claims of a crisis in the current patent system that does not exist, supported by selective assertions which do not hold up under scrutiny. Importantly, the bill fails to take into account the impact of numerous court decisions and administrative rules that have occurred recently regarding major patent issues. We believe the authors of the legislation must make fundamental changes to the legislation if it is to work for all American innovators, and we urge you not to consider the bill on the Senate floor unless such changes are made.

We remain committed to strengthening the U.S. patent system in ways that will preserve and promote innovation across the broad spectrum of the American economy, and we look forward to working with you in this regard.

Thank you for considering our views in this crucial matter.

National Organizations

Advanced Medical Technology Association  
(AdvaMed)  
Washington, DC

American Intellectual Property Law  
Association  
Arlington, VA

American Seed Trade Association  
Alexandria, VA

Biotechnology Industry Organization  
Washington, DC

Biomass Coordinating Council  
Washington, DC

The Center for Small Business and the  
Environment  
Washington, DC

CropLife America  
Washington, DC

Financial Services Industry Intellectual  
Property Law Association  
New York, NY

Grocery Manufacturers Association  
Washington, DC

Innovation Alliance  
Washington, DC

Institute of Electrical and Electronics  
Engineers (IEEE)-USA  
Washington, DC

Medical Device Manufacturers Association  
(MDMA)  
Washington, DC

NanoBusiness Alliance  
Skokie, IL

National Association of Patent Practitioners  
(NAPP)  
Washington, DC

Pharmaceutical Research and Manufacturers  
of America (PhRMA)  
Washington, DC

United States Business & Industry Council  
Washington, DC.

State and Individual Organizations

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San Jose, CA

Abbott  
Abbott Park, IL

Abbotec, L.L.C.  
San Diego, CA

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Hackensack, NJ

Acclarent, Inc.  
Menlo Park, CA

Acorda Therapeutics, Inc.  
Hawthorne, NY

Adams Capital Management, Inc.  
Cambridge, MA

Adroit Medical Systems, Inc.  
Loudon, TN

Advanced Diamond Technologies  
Romeoville, IL

Advanced Dynamics, Inc  
Lexington, KY

Advanced Life Sciences  
Woodridge, IL

Advanced Medical Optics  
Santa Ana, CA

Aegis BioSciences, LLC  
Spokane, WA

Aero-Marine Company  
Port Townsend, WA

Air Products and Chemicals, Inc.  
Allentown, PA

ALD NanoSolutions, Inc.  
Broomfield, CO

Align Technology, Inc.  
Santa Clara, CA

ALIO Industries  
Wheat Ridge, CO

Allergan, Inc.  
Irvine, CA

Alliance Pharmaceutical Corporation  
San Diego, CA

Almyra, Inc.  
Boxborough, MA

Alnylam Pharmaceuticals  
Cambridge, MA

Altea Therapeutics Corporation  
Atlanta, GA

AmberWave Systems Corporation  
Salem, NH

American Solar, Inc.  
Annandale, VA

Amylin Pharmaceuticals  
San Diego, CA

Andcor Companies, Inc.  
Wayzata, MN

AngioDynamics, Inc.  
Queensbury, NY

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Rancho Santa Margarita, CA

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Austin, TX

Applied NanoWorks, Inc.  
Rensselaer, NY

Apollo Biosciences, Inc.  
Burlington, VT

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Arizona BioIndustry Association  
Phoenix, AZ

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Pasadena, CA

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Fremont, CA

Ascenta Therapeutics, Inc.  
San Diego, CA

Asthmatx, Inc.  
Mountain View, CA

AstraZeneca Pharmaceuticals LP  
Wilmington, DE

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Lisle, IL

ATFI  
Evanston, IL

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Palm Beach, FL

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Oklahoma City, OK

Avalon Pharmaceuticals, Inc.  
Germantown, MD

AVANT Immunotherapeutics, Inc.  
Needham, MA

AviaraDx, Inc.  
Carlsbad, CA

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South San Francisco, CA

Aware, Inc.  
Bedford, MA

Axiom Medical Inc  
Torrance, CA

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Baxter International Inc.  
Deerfield, IL

BayBio  
South San Francisco, CA

Bayer Corporation  
Washington, DC

Bayhill Therapeutics  
Palto Alto, CA

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Binary Graphics  
Seattle, WA

BioCardia, Inc.  
South San Francisco, CA

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San Diego, CA

BioFlorida  
West Palm Beach, FL

Biogen Idec, Inc.  
Cambridge, MA

Bio Idaho  
Boise, ID

Biomed Solutions, LLC  
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BioMedical Strategies, L.L.C.  
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BioNJ Inc.  
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Columbus, OH

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BioVerdant, Inc.  
San Diego, CA

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Seattle, WA

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Natick, MA

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New York, NY

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Irwindale, CA

Buck Institute for Age Research  
Novato, CA

Burnham Institute for Medical Research  
La Jolla, CA

California Healthcare Institute  
La Jolla, CA

Canesta, Inc.  
Sunnyvale, CA

Canopy Ventures  
Lindon, UT

Carbide Derivative Technologies  
Chicago, IL

Carbon Nanoprobes  
Seattle, WA

CardioMEMS, Inc.  
Atlanta, GA

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Wayzata, MN

Caterpillar Inc.  
Peoria, IL

Celgene Corporation  
Summit, NJ

Cell Genesys, Inc.  
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Center 7, Inc.  
Lindon, UT

Center for Innovation  
Grand Forks, North Dakota

Cephalon, Inc.  
Frazer, PA

Charlesson, LLC  
Oklahoma City, OK

The Chatham Group  
Los Altos, CA

CIMA Nanotech  
St. Paul, MN

Cincinnati Sub-Zero Products  
Cincinnati, OH

Coca-Cola Company  
Atlanta, GA

CogniTek Management Systems, Inc.  
Northfield, IL

Colorado BioScience Association  
Denver, CO

Colorado Photonics Industry Association  
Denver, CO

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Concentric Medical  
Mountain View, CA

Conceptus Inc.  
Mountain View, CA

CONNECT  
San Diego, CA

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Shaker Heights, OH

Coronis Medical Ventures  
Sunnyvale, CA

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Cryptography Research  
San Francisco, CA

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Cubist Pharmaceuticals  
Lexington, MA

Cummins-Allison Corporation  
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Cummins Inc.  
Columbus, IN

CURE, The Center of Connecticut's  
BioScience Cluster  
New Haven, CT

CVRx, Inc  
Maple Grove, MN

CyberHeart Incorporated  
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Fort Collins, CO

Dais Analytic Corporation  
Odessa, FL

Dartmouth Regional Technology Ctr, Inc.  
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Georgetown, TX

Deep Nines, Inc.  
Dallas, TX

DEKA Research & Development Corp.  
Manchester, NH

Delsys Inc.  
Boston, MA

Demegen, Inc.  
Pittsburgh, PA

DexCom, Inc.  
San Diego, CA

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Beaverton, OR

Digirad Corporation  
Poway, CA

DirectPointe  
Lindon, UT

DocuTemp, Inc.  
Bedford, MA

Dune Sciences, LLC  
Eugene, OR

DuPont  
Wilmington, DE

Dynatronics  
Salt Lake City, UT

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Wellsburg, WV

Ecologic Leasing Solutions, LLC  
Great Falls, VA

ECR Technologies, Inc.  
Lakeland, FL

Edwards Lifesciences  
Irvine, CA

EFI (Electronics for Imaging)  
Foster City, CA

Eikos  
Franklin, MA

Elan Pharmaceuticals, Inc.  
South San Francisco, CA

ElectroCell Technologies, Inc.  
Colchester, Vermont

Eleme Medical  
Merrimack, NH

Eli Lilly and Company  
Indianapolis, IN

EMD Serono  
Rockland, MA

Emphasys Medical, Inc.  
Redwood City, CA

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La Jolla, CA

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Tarrytown, NY

Esperance Pharmaceuticals, Inc.  
Baton Rouge, LA

Estee Lauder  
New York, NY

Exclara, Inc.  
Santa Clara, CA

ExploraMed Development LLC  
Mountain View, CA

Fallbrook Engineering, Inc.  
San Diego, CA

Fallbrook Technologies Inc.  
San Diego, CA

FarSounder, Inc.  
Warwick, RI

Firefly Energy Inc.  
Peoria, IL

Fitzsimons Redevelopment Authority  
Aurora, CO

FivePrime Therapeutics  
San Francisco, CA

Footnote.com  
Lindon, UT

Gambro Blood Component Technologies  
(BCT)  
Lakewood, CO

Genomic Health, Inc.  
Redwood City, CA

Gen-Probe Incorporated  
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GenVault Corporation  
Carlsbad, CA

Genzyme  
Cambridge, MA

GenVec, Inc.  
Gaithersburg, MD

Georgia Bio  
Atlanta, GA

Glacier Cross Inc.  
Kalispell MT

GlaxoSmithKline  
Philadelphia, PA  
Research Triangle Park, NC

Glenview State Bank  
Glenview, IL

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Greer, SC

Glumetrics, Inc.  
Irvine, CA

Gow & Partners  
Houston, TX

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Honolulu, HI

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Bridgewater, NJ

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Lindon, UT

Hematech, Inc.  
Sioux Falls, SD

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Nutley, NJ

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Seattle, WA

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Rockville, MD

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Chicago, IL

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Los Gatos, CA

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Fort Collins, CO

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San Jose, CA

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Indianapolis, IN

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Farmington, CT

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Irvine, CA

Inspire Pharmaceuticals, Inc.  
Durham, NC

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King of Prussia, PA

Intermolecular, Inc.  
San Jose, CA

Intermune, Inc.  
Brisbane, CA

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Oceanside, CA

Invitrogen Corporation  
Carlsbad, CA

Iowa Biotechnology Association  
Des Moines, IA

IP Checkups  
Berkeley, CA

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Irwin Research & Development  
Yakima, WA

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Irvine, CA

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Palo Alto, CA

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New Brunswick, NJ

KansasBio  
Lenexa, KS

Kennon Covers  
Sheridan, WY

Kentucky Seed Capital Fund  
Louisville, KY

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Camarillo, CA

Kosan Biosciences  
Hayward, CA

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Lankenau Institute for Medical Research  
Wynnewood, PA

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Saint Louis Park, MN

LifeTrees, LLC  
Oklahoma City, OK

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Bothell, WA

LITMUS, LLC  
Little Rock, AR

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New York, NY

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Bossier City, LA

LSI Corporation  
Milpitas, CA

Lux Capital Management  
New York, NY

Luxul Corporation  
Salt Lake City, UT

MagSense Life Sciences  
West Lafayette, IN

Mardx Diagnostics Inc.  
Carlsbad, CA

Marketcore, Inc.  
Westport, CT

Masimo Corporation  
Irvine, CA

Massachusetts Biotechnology Council  
Cambridge, MA

Massachusetts Medical Device Industry  
Council (MassMEDIC)  
Waltham, MA

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Gaithersburg, MD

Maxygen, Inc.  
Redwood City, CA

MayaTech International, Inc.  
Silver Spring, MD

MedImmune  
Gaithersburg, MD

Mendel Biotechnology  
Hayward, CA

Merck  
Whitehouse Station, NJ

Metabolex  
Hayward, CA

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Ann Arbor, MI

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Cambridge, MA

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Spartanburg, SC

Minnow Medical, Inc.  
San Diego, CA

Mississippi Seedsmen's Association  
Leland, MS

Missouri Biotechnology Association  
Jefferson City, MO

Mobilygen, Inc.  
Santa Clara, CA

Monogram Biosciences  
South San Francisco, CA

Monsanto Company  
St. Louis, MO

Montana BioScience Alliance  
Billings, MT

Mountain View Pharmaceuticals, Inc.  
Menlo Park, CA

Mova  
San Francisco, CA

Mpex Pharmaceuticals, Inc.  
San Diego, CA

MultiCell Technologies, Inc.  
San Diego, CA

MyPort Technologies, Inc.  
McKinney, TX

NanoBioMagnetics, Inc.  
Edmond, OK

Nano Terra  
Cambridge, MA

Nanochemonics Holdings, LLC  
Pulaski, VA

Nanocomp Technologies Inc.  
Concord, NH

Nanofilm  
Valley View, OH

Nanogen, Inc.  
San Diego, CA

NanoInk  
Skokie, IL

NanoIntegris  
Skokie, IL

NanoMech, LLC  
Fayetteville, AR

Nanomix  
Emeryville, CA

NanoPore Inc.  
Albuquerque, NM

NanoProducts Corporation  
Longmont, CO

Nanostellar  
Redwood City, CA

Nanosys, Inc.  
Palo Alto, CA

Nanotope  
Skokie, IL

NanoViricides, Inc.  
West Haven, CT

Nantero  
Woburn, MA

NEI Corp.  
Somerset, NJ

Nektar Therapeutics  
San Carlos, CA

Neoconix, Inc.  
Sunnyvale, CA

NeoTract, Inc.  
Pleasanton, CA

Neuronetics, Inc.  
Malvern, PA

Neuro Resource Group, Inc.  
Plano, TX

New England Innovation Alliance  
Boston, MA

New Hampshire Biotechnology Council  
Portsmouth, NH

New Mexico Biotechnology and Biomedical  
Association  
Albuquerque, NM

NexBio, Inc.  
San Diego, CA

North Carolina Biosciences Organization  
Durham, NC

North Dakota State University  
Fargo, ND

Northrop Grumman Corporation  
Los Angeles, CA

Novartis Corporation  
New York, NY

Novelthink  
Palo Alto, CA

Novocell, Inc.  
San Diego, CA

Novo Nordisk  
Princeton, NJ

NovaRx Corporation  
San Diego, CA

NovoStent Corporation  
San Diego, CA

NuVasive, Inc.  
San Diego, CA

Nuvelo, Inc.  
San Carlos, CA

Oculus Development, LLC  
Chicago, Illinois

Oncomed Pharmaceuticals, Inc.  
Redwood City, CA

Onyx Pharmaceuticals, Inc.  
Emeryville, CA

OpenCel  
Glencoe, IL

OSI Pharmaceuticals, Inc.  
Melville, NY

Othera Pharmaceuticals  
Exton, PA

Pacific Health Research Institute  
Honolulu, HI

Panacos Pharmaceuticals, Inc.  
Gaithersburg, MD

ParkerVision  
Jacksonville, FL

PatentCafe  
Yuba City, CA

Pathfinder Therapeutics, Inc.  
Nashville, TN

Pelegrin Partners, LLC  
Wayzata, MN

Pennsylvania Bio  
Malvern, PA

PepsiCo  
Purchase, NY

Peptimmune, Inc.  
Cambridge, MA

Personal Remedies, LLC  
Georgetown, MA

Pfizer  
New York, NY

Pharmexa-Epimmune, Inc.  
San Diego, CA

Phillips Services Industries, Inc.  
Livonia, MI

PhiloMetron Inc.  
San Diego, CA

Phycal, LLC  
Shaker Heights, OH

PicoCal  
Ann Arbor, MI

Pindi Products, Inc.  
Reno, NV

PointeCast Corporation  
Lindon, UT

Polestar Capital Associates  
New York, NY

Polyera  
Skokie, IL

Power Innovations International  
Lindon, UT

PowerMetal Inc.  
Carlsbad, CA

Preformed Line Products  
Mayfield Village, OH

Presidio Pharmaceuticals  
San Francisco, CA

Prism Technologies LLC  
Omaha, NE

Pro-Change Behavior Systems, Inc.  
W. Kingston, RI

Progeny Advanced Genetics, Inc.  
Salinas, CA

Progressive GaitWays, LLC  
Telluride, CO

Promptu Systems Corporation  
Menlo Park, CA

Propel Software  
San Jose, CA

Proprius Pharmaceuticals, Inc.  
San Diego, CA

ProteoPure, Inc.  
Pittsburgh, PA

Protochips, Inc.  
Raleigh, NC

ProvenProcess Medical Devices, Inc.  
Mansfield, MA

QUALCOMM Inc.  
San Diego, CA

QuantumSphere, Inc.  
Santa Ana, CA

QuesTek Innovations LLC  
Evanston, IL

Rayspan Corporation  
San Diego, CA

R\*BAT, Inc.  
St. Francisville, LA

RCIG, Inc.  
Oak Ridge, TN

Rearden  
San Francisco, CA

Reference Diagnostics, Inc.  
Bedford, MA

RescueTime  
Seattle, WA

Research Corporation Technologies  
Tucson, AZ

Restech (Respiratory Technology  
Corporation)  
San Diego, CA

Retractable Technologies  
Little Elm, TX

reXorce Thermionics, Inc.  
Akron, OH

Rigel Pharmaceuticals  
South San Francisco, CA

Rochester Medical Corporation  
Rochester, MN

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St. Francisville, LA

Sagamore Bioventures  
San Francisco, CA

Salix Pharmaceuticals, Inc.  
Morrisville, NC

Saltamar Innovations  
South Portland, ME

Sangamo BioSciences, Inc.  
Richmond, CA

Santarus, Inc.  
San Diego, CA

Satiety, Inc.  
Palo Alto, CA

S&C Electric Company  
Chicago, IL

Science and Technology Corporation at the  
University of New Mexico  
Albuquerque, NM

Scout Diagnostics, LLC  
Lexington, KY

The Scripps Research Institute  
La Jolla, CA

Seattle Medical Technologies, Inc.  
Redwood City, CA

SGX Pharmaceuticals, Inc.  
San Diego, CA

SiGNa Chemistry, Inc.  
New York, NY

SilverSky Group LLC  
Reno, NV

Slingshot LLC  
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Smart Bomb Interactive  
Salt Lake City, UT

Smile Reminder  
Lindon, UT

SoftRay, Inc.  
Laramie, WY

Solena Group, Inc.  
Washington, DC

Solera Networks  
Lindon, UT

Somanta Pharmaceuticals, Inc.  
Irvine, CA

Somaxon Pharmaceuticals, Inc.  
San Diego, CA

South Dakota Biotech Association  
Sioux Falls, SD

Southern California Biomedical Council  
Los Angeles, CA

Southern Seed Association  
Leland, MS

Spiration, Inc.  
Redmond, WA

SSI Technologies  
Edmond, OK

State of New Hampshire Department of  
Resources and Economic Development  
Concord, NH

The Stella Group, Ltd.  
Arlington, VA

SterlingTech Software  
Rochelle Park, NJ

Supracor, Inc.  
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North Chelmsford, MA

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Seattle, WA

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Texas Healthcare & Bioscience Institute  
Austin, TX

TextCaster  
Kansas City, MO

Therapeutics, Inc.  
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Telluride, CO

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Porto Valley, CA

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La Jolla, CA

TriLogic Pharma LLC.  
Tallasse, AL

Trilogy Software, Inc.  
Austin, TX

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Menlo Park, CA

University of Kentucky  
Lexington, KY

University of New Hampshire  
Durham, NH

University of Wyoming  
Laramie, WY

USGI Medical  
San Clemente, CA

US Nanocorp, Inc.  
Farmington, CT

Vaccine Research Insititute of San Diego  
San Diego, CA

Vaccinex, Inc.  
Rochester, NY

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VasoNova, Inc.  
Sunnyvale, CA

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Anchorage, AK

Venture Development Associates, LLC  
Norman OK

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Houston, TX

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Vical Incorporated  
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Virent Energy Systems, Inc.  
Madison, WI

Virginia Biotechnology Association  
Richmond, VA

Vistec Semiconductor Systems, Inc.  
Freemont, CA

Washington Biotechnology & Biomedical  
Association  
Seattle, WA

The Wax Company  
Amory, MS

Wickman Spacecraft & Propulsion  
Company  
Casper, WY

Wisconsin Biotechnology and Medical  
Device Association  
Madison, WI

Wyeth  
Madison, NJ

Wyoming Silicon, LLC  
Sheridan, WY

Xerion Materials Corp.  
Broomfield, CO

XetaComp Nanotechnology LLC  
Lawton, OK

Zacharon Pharmaceuticals, Inc.  
San Diego, CA

Zogenix, Inc.  
San Diego, CA

ZymoGenetics, Inc.  
Seattle, WA