

THE COALITION FOR 21ST CENTURY PATENT REFORM
Protecting Innovation to Enhance American Competitiveness

June 14, 2007

Honorable Patrick J. Leahy, Chairman
Honorable Arlen Specter, Ranking Member
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Honorable John Conyers, Jr., Chairman
Honorable Lamar S. Smith, Ranking Member
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20510

Dear Chairman Leahy, Ranking Member Specter, Chairman Conyers and Ranking Member Smith:

We support fair and balanced patent reform legislation, such as recommended by the 2004 Report of the National Academies of Sciences, A Patent System for the 21st Century, that will make the United States more innovative and competitive and bring new jobs and products to the American public. Because we believe that, on balance, "The Patent Reform Act of 2007" decreases incentives and protections for innovation -- and may, however unintentionally, encourage some of our trading partners with long histories of disrespect for U.S.-developed intellectual property such as China, Russia, and India to do likewise, we oppose H.R. 1908/S. 1145 in its present form.

Specifically, we believe that key sections of H.R. 1908/S. 1145 should be either entirely eliminated or substantially revised, including the provisions relating to apportionment of damages, post grant opposition, rulemaking authority, venue, and interlocutory appeals. Further, we believe, as the NAS Report recommended, that additional changes are in order to curtail subjective elements in patent litigation with respect to the "best mode" and "inequitable conduct" excuses for patent infringement.

We represent a broad array of innovators ranging from the fields of agriculture, alternative energy, biotechnology, chemicals, electronics, information technology, life

sciences, nanotechnology, and telecommunications. We stand ready to work with Congress and all affected stakeholders to craft a carefully tailored compromise bill that can achieve a broad degree of consensus. We call upon Congress to invest the time and effort required to carefully craft this piece of legislation that is so vital to America's future both at home and abroad.

Respectfully yours,

3M	Electronics for Imaging	Napersoft
Abbott	E.I. du Pont (DuPont)	Novartis
Air Liquide	Eli Lilly	Patent Café.com
Air Products	General Electric	PepsiCo
AstraZeneca	Genzyme	Pfizer
Baxter International	GlaxoSmithKline	Procter & Gamble
Beckman Coulter	Henkel	SanDisk Corporation
Bristol-Myers Squibb	Johnson & Johnson	Texas Instruments
Cargill	Medtronic	United Technologies
Caterpillar	Merck	Weyerhaeuser
Cephalon	Millennium Pharmaceuticals	Wyeth
Dow Chemical	Monsanto	AIPLA
Eastman Chemical	Motorola	

Cc: Honorable Harry Reid, Majority Leader
Honorable Mitch McConnell, Minority Leader
Honorable Orrin Hatch
Honorable Nancy Pelosi, Speaker
Honorable Steny Hoyer, Majority Leader
Honorable John Boehner, Minority Leader
Honorable James Clyburn, Majority Whip
Honorable Roy Blunt, Minority Whip
Honorable Howard Berman, Chairman
Honorable Howard Coble, Ranking Member