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ONE HUNDRED TENTH CONGRESS

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August 31, 2007

Dear Colleague:

We write as the bipartisan principal cosponsors of H.R. 1908, the Patent Reform Act of 2007 to urge your support for this important legislation. Enactment of this bill is indispensable to securing both our country's continued innovation and our economic progress.

H.R. 1908 was reported by voice vote of the Judiciary Committee on July 18. The bill has received deliberate and careful consideration.

Comprehensive patent reform has been in progress since 2003. Over the past four years the Committee has received testimony from over thirty witnesses, including: independent inventors, academics, the Patent and Trademark Office, universities, software developers, drug companies, banks and media companies. In addition, both the National Academies of Sciences and the Federal Trade Commission have published detailed analytic studies concluding patent reform is urgently needed.

Our patent laws have not been comprehensively updated since 1952. New engines of economic growth have emerged such as biotechnologies, computers, and cell phones, to name just three. At the same time Americans' ingenuity has continued to produce patentable inventions at a dramatic and prodigious rate.

But our patent law has failed to keep pace. The Patent and Trademark Office that examines and grants patents is overwhelmed with applications and doing its best to keep up. The courts are confronted with both more complex patents and too many cases that are not meritorious. As Justice Kennedy recently explained in a unanimous recent patent decision, "[i]n many cases now arising . . . the nature of the patent being enforced and the economic function of the patent holder present considerations quite unlike earlier cases. ***An industry has developed in which firms use patents not as a basis for producing and selling goods but, instead, primarily for obtaining licensing fees.***"

H.R. 1908 is a balanced and comprehensive response to the three developments facing our patent system: too many questionable patents, no viable alternatives to challenging a patent other than lengthy and expensive court proceedings, and insufficient guidance in the law to ensure judges and juries provide for just compensation to inventors when their patents are infringed. In

each of these areas, the bill has been refined through the Committee's deliberations to ensure the bill's provisions will promote innovation and protect inventors.

We encourage you to support our economy, American ingenuity and inventors - large and small - by voting for the Patent Reform Act of 2007, H.R. 1908.

Sincerely,




John Conyers Jr.



Lamar S. Smith



Howard L. Berman



Howard Coble