

Congress of the United States
Washington, DC 20515

The Honorable Bob Goodlatte
Chairman
House Judiciary Committee
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers
Ranking Member
House Judiciary Committee
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Goodlatte and Ranking Member Conyers:

We write to express our deep concern with H.R. 9, the Innovation Act, as written. We believe in its current form H.R. 9 would seriously hamper the ability of innovators to enforce their legal rights to their inventions. Our nation's top research universities, biotech companies, small inventors, venture capitalists and the manufacturing sector have all expressed concerns with the current legislation.

The Innovation Act attempts to solve the vexing problem of patent trolls, shadowy entities that file meritless litigation in the hopes of a settlement. While we agree that patent trolls are a problem that need to be addressed, any legislative solution to this problem must be balanced and equally address the concerns of legitimate patent holders. Should this legislation pass in its current form, it would make it more complicated for legitimate patent holders to defend their patents. This could threaten our innovation pipeline and the next generation of advancements coming from our university and research systems.

Additionally, H.R. 9 does not address the problems patent holders now face at the Patent and Trademark Office with respect to the *Inter Partes Review* process created by the American Invents Act. Serious questions have been raised about the fairness of these post grant procedures that can wipe out patents that support innovative therapies and products. This system has led to reports of Wall Street hedge funds attacking legitimate patents in hopes of driving down stock prices for their own gain. Patent reform must include provisions to ensure the same legal standards used in district court are used in *inter partes review* and that patent owners have the ability to amend claims and present necessary evidence to respond to challenges to their patents. For these post grant procedures to be seen as a fair alternative to litigation they must be revised to ensure a level playing field.

Recent Supreme Court decisions, state laws, and changes to the Federal Rules of Civil Procedure have made it harder to abuse our current system. That said, we recognize that patent trolls are a real and serious problem. We need to come together in order to address the concerns of all legitimate patent holders. We hope that as the process moves forward, you will work with

stakeholders to produce a bill that stops the abusive practices of patent trolls, while maintaining and strengthening protections for legitimate patent holders as they continue to innovate.

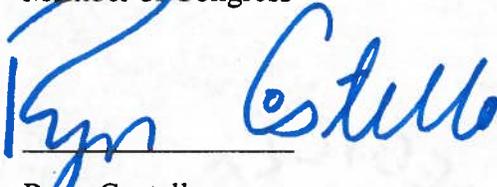
Sincerely,



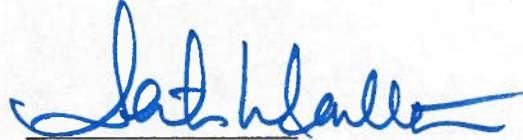
Katherine Clark
Member of Congress



Donald Norcross
Member of Congress



Ryan Costello
Member of Congress



Seth Moulton
Member of Congress



Thomas MacArthur
Member of Congress



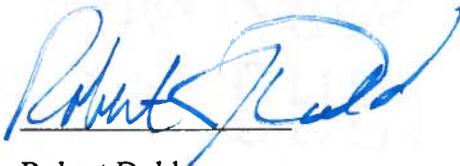
Pete Aguilar
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Bonnie Watson Coleman
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Ryan Zinke
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Robert Dold
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