

June 3, 2015

Honorable Richard J. Durbin
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Honorable David Vitter
United States Senate
516 Hart Senate Office Building
Washington, D.C. 20510

Honorable Christopher A. Coons
United States Senate
127A Russell Senate Office Building
Washington, D.C. 20150

Dear Senators Durbin, Vitter and Coons:

We are writing you to express our support for your amendment to S. 1137, the PATENT Act, which would provide an exemption for universities and their licensee partners from the fee shifting provisions contained in the bill.

While the fee shifting standard contained in the PATENT Act is an improvement relative to H.R. 9, we believe it would still create new uncertainties and risks that would complicate legitimate efforts to protect patented inventions from infringement. We appreciate your willingness to offer an amendment during the Senate Judiciary Committee's consideration of the PATENT Act that will fully address our concerns in regards to the fee shifting issue. Universities typically commercialize their federally funded inventions by granting licenses to third parties, as encouraged by the Bayh-Dole Act. Without your amendment, if a licensee or a university were to sue for infringement of a patent they could be subject to the fee shifting provisions. This could have a chilling effect on commercialization of federally-funded inventions, which, in turn, would undermine one of the fundamental goals of Bayh-Dole.

It is precisely because of the investments the federal government makes in research at U.S. universities that we have a responsibility to ensure our nation's patent system continues to support the successes of the technology transfer process that converts that research into products and services that further our economy, improve health and quality of life, and enhance U.S. global competitiveness. We thank you for your strong commitment towards maintaining a robust patent system that enables the continued success of the university technology transfer process.

Sincerely,

Auburn University
Clemson University
Duke University
Emory University

Georgia Institute of Technology
North Carolina State University
Northwestern University
Tulane University
University of Chicago
University of Delaware
University of Illinois
University of Minnesota
University of North Carolina at Chapel Hill
University of South Carolina