

Congress of the United States
Washington, DC 20515

August 3, 2007

The Honorable Steny H. Hoyer
Majority Leader
H-107 U.S. Capitol
Washington, DC 20515

The Honorable John A. Boehner
Minority Leader
H-204, U.S. Capitol
Washington, DC 20515

Dear Leader Hoyer and Leader Boehner:

We are writing to urge you to provide the Members of the House ample opportunity to consider the full implications of H.R. 1908, the Patent Reform Act of 2007, prior to floor consideration of this important legislation.

As Chairman Conyers said at the Judiciary Committee markup of H.R. 1908 on July 18, "Our patent system affects our whole economy, large and small. The slightest change to a single provision of law, alteration of a phrase, sometimes punctuation, can have unintended consequences and therefore can result in a devastating effect on a company or a business or an industry."

We agree completely with the Chairman's statement, and it is precisely because of the profound importance of the patent system that we feel it is essential to take into account the views of the many industries and parties that will be affected by this dramatic change in the law. Unfortunately, many stakeholders, including universities, manufacturing, information technology, biotechnology, nanotechnology, and agriculture continue to sound alarms concerning the reported bill. The breadth of these concerns counsels caution, and we believe the House must consider them carefully.


Ranking Member Smith said at markup that the Committee leadership had agreed that "[a]dditional modifications will be made as needed and where appropriate." We believe it is essential that this pledge be fulfilled to address serious concerns raised with the current bill, including but not limited to the following:

- A provision that would greatly limit damages available to companies when their patents have been infringed;
- A new open-ended process for patents to be challenged at the Patent and Trademark Office (PTO) under a lower standard than court; and
- New substantive rulemaking power for the PTO.

We encourage you to consider the impact of the current patent legislation on all American innovators. It is especially important that these proposals not undermine our efforts to achieve better intellectual property protection for U.S. companies overseas, particularly in China and India.

Careful and full deliberation on these important issues will make it possible for our patent system to be reformed in a manner that benefits the range of American innovation.

Regards,


DONALD MANZULLO
Member of Congress


MICHAEL H. MICHAUD
Member of Congress

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