



October 29, 2013



The Honorable Patrick J. Leahy
Chairman, Committee on the Judiciary
Judiciary

United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member, Committee on the Judiciary
Judiciary

United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Bob Goodlatte
Chairman, Committee on the

U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers, Jr.
Ranking Member, Committee on the

U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Dear Messrs. Chairmen and Ranking Members:

We write to thank you for your attention to the health of our nation's patent system and to share our perspectives regarding proposals to reform the system and deter harmful litigation practices.

Our Constitution empowers Congress "to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." By these simple terms, the Constitution both recognizes the importance of the spark of creative genius to the future of the Nation and the importance of rewarding that genius with an exclusive property right. In today's knowledge-based economy, patents are more important than ever to encourage and stimulate innovation, while ensuring that inventors are compensated for their work.

We are concerned that expansion of the transitional covered business method patent review procedure established by Sec. 18 of the America Invents Act would place a cloud over the patents of innovators by subjecting those patents -- throughout their lifetime - to commercially-motivated challenges on terms extremely favorable to the challenger. One of the most troubling aspects is the eighteen-month waiting period, which could allow a patent-infringer to continue its practices and gain market share, while the legitimate patent holder waits for a decision.

There is no reason why innovators whose inventions are embodied in software should see those inventions treated any differently than an invention in any other area of technology. Such discrimination stands to harm American inventors outside our borders; many trading partners will be eager to discriminate against America's software innovation.

We appreciate the opportunity to share our views and look forward to working with you as balanced, litigation-focused patent reform moves forward.

Sincerely,

Phil Kerpen
President
American Commitment

Larry Hart
Director of Government Relations
American Conservative Union

Grover Norquist
President
Americans for Tax Reform

Jeffrey Mazzella
President
Center for Individual Freedom

Thomas A. Schatz
President
Council for Citizens Against Government Waste

Katie McAuliffe
Executive Director
Digital Liberty

Phyllis Schlafly
Founder and President
Eagle Forum

Charles Sauer
President
Entrepreneurs for Growth

Karen Kerrigan
President & CEO
Small Business & Entrepreneurship Council