

March 11, 2015

The Honorable John Boehner
The Honorable Mitch McConnell
The Honorable Harry Reid
The Honorable Nancy Pelosi

Dear Speaker Boehner, Senators McConnell and Reid, and Rep. Pelosi:

As advocates for a strong, innovative America, we write to express our opposition to the patent revision legislation proposed by House Judiciary Committee Chairman Bob Goodlatte and Rep. Darrell Issa. H.R. 9, the so-called "Innovation Act," would weaken American patents and the ability of innovators – particularly independent inventors – to secure their constitutionally guaranteed right to their inventions and discoveries.

While sponsors and proponents of this legislation claim it is designed to curb abusive tactics in patent litigation, the bill would in fact increase litigation at the expense of innocent inventors. The bill's overly broad provisions apply to all litigants seeking to assert patents, not just "patent trolls," and as a result will severely undercut the ability of inventors to enforce their intellectual property rights, ultimately devaluing patents, stifling American innovation, and diminishing our global competitiveness. This bill is the intellectual property infringer's best friend.

Of further concern is the *reason* this bill is being catapulted forward. Some companies need to *use* others' patents in their products, and they want to pay as little as possible for the right to these patented inventions. While that may make good business sense for them, it makes no sense for America, if lowering the licensing costs of a patent come by way of patent infringement, piracy, unfair competitive practices, artificially devaluing a patent, or reducing the ability to defend one's patent through our legal system. China is already eating our lunch, stealing our patented inventions and harassing American companies with Chinese facilities. Why would we want to willingly give up the competitive edge we enjoy in incentivizing innovation through the strongest IP regime in the world? Surrendering our innovation advantage to China makes absolutely no sense.

In short, the Goodlatte-Issa bill, if enacted, will erode private property protections grounded in Article I, Section 8 of the Constitution: "The Congress shall have Power . . . [t]o 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." The Founders rightly recognized the importance of intellectual property and its protection as vital to innovation. We must preserve a strong patent system that promotes the right of innovators and inventors to protect their ideas, not diminishes their value and disincentivizes investment.

We urge a scalpel, not a cleaver, in addressing patent revision legislation. We have all seen the impact of Washington approaching every problem with another sweeping overhaul that "fixes" everything instead of addressing specific problems. We ask that you support innovation and a strong patent system by opposing the "Innovation Act" and stopping any such bill from reaching the floor.

Sincerely,

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Dan Schneider
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Hon. J. Kenneth Blackwell
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