



Via Fax

September 5, 2007

The Honorable Patrick Leahy, Chairman
The Honorable Arlen Specter, Ranking Member
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable John Conyers, Chairman
The Honorable Lamar Smith, Ranking Member
House Judiciary Committee
2138 Rayburn House Office Building
Washington, D.C. 21515

Dear Chairman Leahy, Ranking Member Specter, Chairman Conyers, and
Ranking Member Smith:

We are writing you to express our concerns regarding the current U.S. patent system and the potential negative impact of H.R. 1908 and S. 1145 on this system.

The American economy relies on the ingenuity and imagination of inventors who help drive our economy and job creation. Without a fair patent system that rewards inventors, both job creation and ingenuity will suffer. Our union members work in the technology and manufacturing sectors; both of which will be affected by these pieces of legislation. We want to see a system that solidifies our leadership in innovation and helps the American economy produce the jobs and products of the future.

The National Academies of Sciences (NAS) have suggested a set of improvements for the patent system. However, the Patent Reform Act of 2007, while offering some needed changes, does not reflect the body of improvements suggested by NAS. We are concerned that two sections of the proposed legislation, the post-patent review process and apportionment of damages, will have a negative impact on innovation and research.

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The courts already follow a multipoint system for the appropriate consideration for damages. This should remain intact rather than constricted so as to limit damage settlements. The post-patent review process adds a third step to the two existing review processes available. This third one opens the process to serial patent challenges. For some, this can become a business strategy of continual reviews designed to elicit settlement. For the firms facing challenges, they can decide it is easier to outsource their products to a vendor rather than deal with the legal process. In a system that is already overwhelmed meeting the review needs of current patent filings, this is an unnecessary step.

At a time when the rampant piracy of intellectual property by our global competitors is being continuously challenged, Congress should not give these competitors yet another advantage over American workers. We hope to work with you in your effort to improve the current patent system without disadvantaging American workers and stifling American innovation. We appreciate your leadership on this issue and we look forward to hearing your thoughts.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Rechenbach". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jeff Rechenbach
Executive Vice President

c: All Members of Congress