

February 19, 2014

The Honorable Patrick Leahy
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Chuck Grassley
Ranking Member, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Leahy and Ranking Member Grassley,
On behalf of the independent inventor community, a community whose discoveries have collectively added billions of dollars to the U.S. economy, we are writing to express our alarm at the current rush toward patent legislation that could cripple invention in America.

We applaud the desire to curb nuisance lawsuits and bad-faith demand letters by shake-down artists who claim their patents have been infringed. But the proposals now moving through Congress would go much further than that. They would gravely undermine the ability of legitimate inventors to defend their work from willful and sometimes brazen infringers – especially if they are deep-pocketed corporations.

The House-passed Innovation Act (H.R. 3309) would raise these barriers to justice even higher than they already are. Among the changes:

- Alleged infringers would be able to delay proceedings for years by demanding that the Patent Office re-examine the validity of an issued patent two, three or even more times.
- Judges would have to make crucial decisions about the meaning of a patent claim before the opposing sides have collected factual evidence through the discovery process.
- Inventors who file lawsuits would be required to pay the other side's attorney fees if they lose, significantly raising the stakes for those that can least afford it.

These major reforms come only three years after Congress passed the America Invents Act, a piece of legislation resulting from six years of deliberation considering input from stakeholders on all sides. The headlong rush today is strikingly different. The House passed H.R. 3309 just five weeks after it was introduced. The bill received only one hearing, and independent inventors were not invited to testify.

At this point, we don't even have reliable data on the magnitude of the problem. The Government Accountability Office estimated last year that the volume of litigation has actually increased very little, and that most of the new litigation comes from manufacturing companies themselves.

For independent inventors like us, simply getting a case to trial can be a bankrupting and emotionally grueling experience. Many cannot afford to even try. Unfortunately, the Innovation Act provides alleged infringers even more opportunities to delay and obstruct, and as a result even fewer inventors will have the financial wherewithal to stand up for rights that the Founding Fathers enshrined in the Constitution.

This will be devastating to the American economy as independent inventors and path-breaking entrepreneurs account for a huge share of the nation's innovation, which in turn is the engine of our growth and prosperity. The Commerce Department estimates that intellectual property-based companies support 40 million U.S. jobs and \$5 trillion in annual economic activity. If inventors can't defend our intellectual property, how can we afford to risk the time and money to develop new technology?

The patent system isn't perfect, but it has made a huge contribution to this nation's prosperity and quality of life over the past two centuries. We should certainly deter bad actors who try to game the legal system with patent claims that shouldn't hold up in court. But Congress would be making a tragic mistake if it acted without listening to real inventors and passed legislation punishing all patent holders for the bad behavior of a few. If American innovation stagnates, the impact will be felt for generations to come.

Before you act, we urge you to hold a hearing to understand the concerns of independent inventors.

We look forward to working with you on this important issue.

Signed,

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christopher pena, TX
Comazell, TX
Conley Giles, TX
cyd birns, TX
Damone Giles, TX
Dan Clarke, TX
Daniel Moore, TX
Daniel Rodgers, TX
Dave Shade, TX
David Sandblom, TX
dee Ann winfield, TX
Deidre Deen, TX
Dennis Walton , TX
derek payne, TX
Dianna Williams, TX
Driggs Kizzire, TX
Edin Garibovic , TX
favian segovia, TX
Francisco J. Zendejas, TX
Gail Reaben, TX

gary lee adams, TX
Gene Ayres, TX
George Timothy Bigham, TX
George W. Burkhardt, TX
Gilbert Dennis, TX
Greg Lindamood, TX
guy g. trouard, TX
Henry Hernandez, TX
Holly Uverity, TX
Howard Brooks, TX
Isaias Garcia, TX
jackelyne rodriguez, TX
Jacob Shalev, TX
Jaimee' Cameron, TX
James Crump, TX
James Douglas Pell, TX
James Henry Cochran, TX
James Navarro, TX
James Riley, TX
JAMES SWEED, TX
Jason McIntyre, TX
Jeffrey Bridges, TX
Jesse Henry, TX
Jimmy Doyle Zook, TX
Jody white, TX
Johnson B Akingbade, TX
Johny A Woody, TX
Jon Myrle Strohbehn, TX
Jose Leal, TX
Juan Jose Ramirez Blanco, TX
Julia Ousley , TX
Kelly Harding, TX
Kenneth Doman, TX
Kenneth Zavatsky, TX
KERRY DELPIT, TX
Kevin L. Smith, TX
Larry G James, TX
Laura Lynn Deen, TX
Leah Palombo, TX
Leslie Dominguez, TX
Louisa C Shaefer, TX
Lydell Gaines, TX
Lynda Marie Enders, TX
Mark A. Grandin, TX
Mark Shuck, TX
Matthew Walter, TX
Melody Lowman, TX
Michael David Newton, TX
Michael Everett, TX

Michael Van Steenburg, TX
Michelle Devlin, TX
Michelle Murray, TX
Milka Kamau, TX
Mohamed Elshenawy, TX
Omar Hakim, TX
Otto Glaser, TX
Patricia Molizone, TX
Peggy Downes, TX
phil s simpson, TX
Ramiro Barrera, TX
Randall Alsobrook, TX
randy massad, TX
Richard Lochner, TX
Richard Rohrbough, TX
Robert E Couchman, TX
Ron Knight, TX
Ronald W Jones, TX
Rosa, TX
Rosemary Rambow, TX
Ryan Bricker, TX
s elliott brackett, TX
Sally May-Frankum, TX
Salvador Castillo , TX
Samir Novruzov, TX
Stanley Curtis Grant, TX
Stephanie Beck, TX
Steve Stone, TX
teresa mcbeath, TX
Thomas Christopher Callahan, TX
Tina Thomas, TX
TRAVIS GREEN, TX
VIVIAN ELEBIYO, TX
Walter L Bennett, TX
Wanda Love, TX
Wayne C Ewing, TX
William Hernandez, TX
William Pearson, TX
wylder preston barrows III, TX
Xavier Rivas, TX
yogin magalee, TX
Bryan S. Larson, UT
Darin Stoker, UT
Kristin Higbee, UT
michael miyagishima, UT
Ronald Nathan Hilton, UT
Sarah Dalling, UT
Shawn Grant, UT
Thom Jensen, UT

Timothy larsen, UT
Alan B. Miranda, VA
Amy Jones, VA
andrew ferguson, VA
Angela Dean Honeycutt, VA
Bruce Grulke, VA
Bryan Ruffner, VA
Bryan shirkey, VA
Buck Albritton, VA
Dale Williams, VA
David Tinsley, VA
David Trent, VA
Deborah Graves, VA
Dominic Laiti, VA
Don Kelly, Founding Principal, VA
Farrukh Jafri, VA
Fay Smith, VA
Greg Myracle, VA
Gregory S. Lilly, VA
Jennifer Snitselaar, VA
John S Sullivan, VA
Joseph Alan Kun, VA
Kathleen Marie Rogers, VA
Kenneth John Albritton, VA
Kenneth O'Brien Scruggs II, VA
Kirsty Hornbostel, VA
Kyle Sharmaine Primus, VA
Marlene Miles, VA
Nee-Yin Chou, VA
Olugbenga Oredein, VA
Pad HP, VA
Pamela Jiranek, VA
Pamela Redmond, VA
Patrick Alan Tolliver, VA
Regina Bundy, VA
Richard A. Holub, Ph. D., VA
richard james, VA
Richard W. McChesney, VA
ROBERT STARNES, VA
Ryan Hill, VA
Shannon Jensen, VA
Svetlana Zhitnitsky, VA
Tanya Roland, VA
James R Brown, VT
Alan K. Lewis, WA
Brian Brogden, WA
Cal Ludvigsen, WA
Carl Luckey jr, WA
Deborah L Oglesby, WA

Debra Ann Cook, WA
Edward Butchas, WA
gregory hart, WA
hans nelson, WA
hugh d stotts jr, WA
James R Pelley, WA
Jeffrey Scott Latham, WA
Karen Boone, WA
kim valenzuela, WA
Larry Strobel, WA
Mary Deraitus , WA
Michael J. Bemel, WA
Robert L Stucky, WA
Shaun P. Basonia, WA
Terry Schneider, WA
Todd Miner, WA
Tom McMaster, WA
William Kenosha, WA
Yvonne Dorothea Mayekawa, WA
Carrie May, P.E., WI
Corey Wilson, WI
David James Krueger, WI
Derrick James, WI
Edward R. Foster, WI
Elisa Filipp, WI
Ellie Bresette, WI
Gary Lindsley, WI
Heidi L O Eckstein, WI
James Pollex, WI
Jay Alger, WI
JERALD W KAEBISCH JR, WI
John V. Bruning, WI
Karen A Robison, WI
katherine daniels, WI
Kathleen N. Mack, WI
Laura Garvey, WI
Laura Moon, WI
Margaret Brown, WI
Maurice McIntyre Sr, WI
melvin g stankewicz, WI
Michael Winnemuller, WI
milton dallas, WI
patricia herzog-mesrobian, WI
Peggy DeGuire, WI
Peter May, WI
Richard Ehrenberg, WI
Rick E. Warner, WI
Rodney Blackmon, WI
Ron Wittek, WI

Sandra Law, WI
Scott hollander , WI
Shane Carlton, WI
sharon boeldt, WI
Thomas R Pett, WI
vickie gasiorowski, WI
William Pesl, WI
Amel D Yarid, WV
Brad Harris, WV
Chevy Ramsey, WV
Darrel White, WV
Deborah Hodge , WV
Ed Hauldren, WV
James Anthony Rittenhouse , WV
Joseph L. Moul, WV
Michael V. Moses, WV