



December 3, 2013

The Honorable John Boehner
Speaker
United States House of Representatives

The Honorable Nancy Pelosi
Minority Leader
United States House of Representatives

Dear Speaker Boehner and Minority Leader Pelosi:

The Coalition for Patent Fairness has been fighting for legislation to bring balance and certainty to the patent litigation system for nearly a decade. We strongly support our nation's patent system, and we played an active role helping to pass the America Invents Act to modernize and improve that system. We recognized at the time, however, that work remained to address the abuses occurring in the litigation system. Since the AIA, those abuses have multiplied and spread. Today, the negative impact of patent assertion entities, or so-called "patent trolls," is being felt from Silicon Valley to Main Street, causing an \$80 billion a year strain on our economy.

We write today to add our support to H.R. 3309, The Innovation Act. H.R. 3309 contains a package of reforms that will work together to make a significant impact on the patent troll problem. H.R. 3309 will significantly deter abusive, frivolous suits by amending the Patent Act's current, excessively high standard for recovering attorneys' fees. The legislation will make patent litigation more efficient by raising pleading standards in patent cases and requiring patent owners to state their claims upfront. Likewise, the bill will also bring key changes to the discovery process in patent cases, eliminating uncertainty and unnecessary costs that have compounded the patent troll problem. The bill also attempts to address the challenges faced customers and end users of technology who are increasingly targets of patent trolls.

We remain concerned that as this bill moves forward, key provisions are in danger of being eliminated or watered down. We strongly urge you to avoid that outcome, as the interaction of each provision is essential to the overall effectiveness. Likewise, we would urge Congress to not include provisions such as the modification of the Patent and Trademark Office's Broadest Reasonable Interpretation (BRI) standard, which undermines the goals of this legislation by making it harder to invalidate low-quality patents at the Patent Office.

H.R. 3309 was reported out of the House Judiciary Committee by a bipartisan vote of 33-5 and is very similar to the package of solutions advanced by the White House earlier this year. The reforms have garnered support from a wide variety of industries, from main street retailers to Internet app developers, and from venture-backed startups to Fortune 100 companies. We

applaud the work of Chairman Goodlatte and the House Judiciary Committee on this package and strongly urge members to support H.R. 3309, The Innovation Act. We look forward to House passage of this important legislation and to working with the Senate to address any remaining issues.

Sincerely,

The Coalition for Patent Fairness

The Coalition for Patent Fairness is a diverse group of companies and industry associations dedicated to enhancing U.S. innovation, job creation, and competitiveness in the global market by modernizing and strengthening our nation's patent system.

For more information, visit <http://www.patentfairness.org>.

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