

United States Senate

WASHINGTON, DC 20510

September 30, 2009

The Honorable Patrick Leahy
Chairman
Senate Judiciary Committee
Washington, D.C. 20510

The Honorable Jeff Sessions
Ranking Minority Member
Senate Judiciary Committee
Washington, D.C. 20510

Dear Chairman Leahy and Ranking Minority Member Sessions:

For nearly five years, Congress has been working on legislation to reform our patent system – a system that has not been significantly updated since 1952. We commend you for your leadership and foresight in this endeavor.

As members of the Senate Republican High-Tech Task Force, we are keenly aware of the important role that our country's high-tech industry plays as the global leader in technology innovation. Our ever-increasing technology and knowledge-based economy creates good high-paying jobs in almost every state of the Union. Last year, as the recession took hold, the tech industry as a whole added 77,000 jobs. More than ever, it is vitally important that we enact policies that keep our high-tech sector at the forefront of the world's economy and a leader in innovation.

We must ensure that our patent system is as strong and vibrant as possible, not only to protect our country's premier position as world leaders in innovation, but also to secure our economic future. Reforming our patent system is critical to the ability of the high-tech companies to devote the maximum amount of resources possible to the development and deployment of new technologies. Conversely, a malfunctioning patent system will undermine that process of innovation through inadequate quality of issued patents; inadequate guidance for courts in critical areas such as calculation of damages, assessment of willful infringement, and choice of venue for suits; and the lack of more effective procedures to provide patentees the ability to seek a supplemental examination before the U.S. Patent and Trademark Office.

In April 2009, the Senate Judiciary Committee structured careful compromises on many of these issues when S. 515 was reported to the full Senate for consideration. While we do not argue there that these compromises are the best that can be achieved, we do agree that it is important to move the legislative process forward by building on that consensus – not by weakening the bill on key, pro-innovative provisions. We strongly urge you to be vigilant in preserving what has been achieved so far and resist any attempts to weaken technology-friendly provisions. We would oppose such erosion and stand ready to help in this regard.

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It is paramount that patent reform legislation be done right. The future of our high-tech economy and our nation's role as the leader in innovation depend upon it. In addition to the aforementioned policy concerns, we request that all members of the Senate have proper time and opportunity to fully consider the legislation when it is brought to the floor.

Sincerely,



Robert F. Bennett



Orrin G. Hatch



Mike Crapo



James E. Risch



Michael B. Enzi