

United States Senate

WASHINGTON, DC 20510

October 15, 2009

The Honorable Harry Reid
United States Senate
Office of the Majority Leader
Washington, DC 20510

Dear Leader Reid:

We are writing concerning S. 515, "The Patent Reform Act of 2009," Senator Leahy's legislation that was reported out of the Judiciary Committee earlier this year. We believe the bill, which incorporates the substance of the Leahy-Specter deal, needs additional work before it is brought to the floor.

Since its initial introduction, S. 515 has been greatly improved, especially in regards to its provisions governing damage awards for proven infringement. However, the measure includes new and expanded mechanisms for the administrative re-examination of patents. These so-called post-grant review provisions, as currently crafted, are quite problematic. This language, which would permit serial challenges to patents at the U.S. Patent and Trademark Office and in the courts, threatens to diminish the value and enforceability of U.S. patent rights at a time when America's economic recovery is dependent on the strength of U.S. innovation. Ideally, we hope these issues can be fully resolved before the bill comes to the floor.

Thank you for your attention to our concerns.

Sincerely,



Sam Brownback



Tom Coburn, M.D.



Jim Inhofe



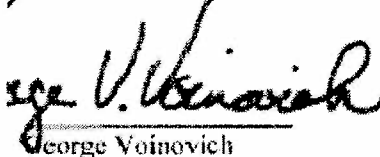
Jim DeMint



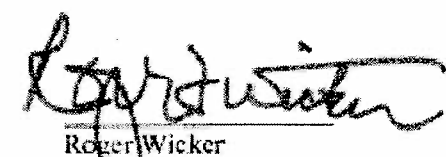
Chuck Grassley



John Barrasso



George Voinovich



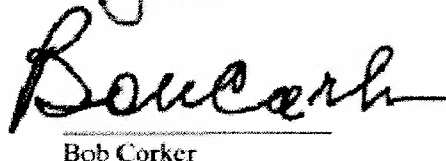
Roger Wicker



Kit Bond



Thad Cochran



Bob Corker



Judd Gregg