



September 6, 2007

The Honorable John Conyers Jr.
Chairman
House Judiciary Committee
2426 Rayburn House Office Bldg
Washington, D.C. 20515

The Honorable Lamar Smith
Ranking Member
House Judiciary Committee
2409 Rayburn House Office Bldg
Washington, D.C. 20515

The Honorable Howard Berman
Chairman
House Judiciary Subcommittee on the Courts,
the Internet and Intellectual Property
B352 Rayburn House Office Bldg
Washington, D.C. 20515

The Honorable Howard Coble
Ranking Member
House Judiciary Subcommittee on
the Courts, the Internet and
Intellectual Property
B352 Rayburn House Office Bldg
Washington, D.C. 20515

Dear Congressmen Conyers, Smith, Berman and Coble:

I write on behalf of the Association of University Technology Managers (AUTM) about the proposed modifications to the U.S. patent laws in HR 1908. AUTM is a nonprofit organization dedicated to promoting, supporting and enhancing the global academic technology transfer profession through education, training and communications. AUTM's more than 3,500 members, primarily managers of intellectual property, represent more than 300 universities, research institutions and teaching hospitals as well as numerous businesses and government organizations.

Universities serve as engines for innovation and create early stage technologies that help to stimulate the regional and U.S. economies. A strong and predictable patent system is essential to our profession and ability to attract company partners who are willing and able to invest effort and significant financial resources into commercializing university-developed technology. We support the May 16, 2007 position of the higher education associations and their subsequent efforts to improve HR 1908 and ensure that the universities' assets are not disproportionately harmed by patent reform and remain valuable and useable for the benefit of society.

Although there have been several improvements to HR 1908, we remain concerned about the expansion of the existing prior user rights provision. John Vaughn of the Association

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of American Universities (AAU) recently sent a letter on August 21, 2007 (copy enclosed) that clearly articulates serious problems that the expanded prior user right provision presents for the university community. Any expansion beyond the currently available defense for prior user rights would be highly detrimental to universities and research institutes and would introduce unacceptable risk and uncertainty into the patent system. We strongly support Mr. Vaughn's request and encourage the House leadership to strike the expansion of the prior user rights defense and substitute a study of prior user rights in selected countries.

Thank you for considering these concerns.

Sincerely,

A handwritten signature in black ink that reads "Patrick L. Jones". The signature is written in a cursive style with a large initial "P" and a stylized "J".

Patrick L. Jones
AUTM President
University of Arizona

Attachment: August 21, 2007 from J. Vaughn, AAU to Congresswoman Baldwin

Cc: The Honorable Nancy Pelosi
Speaker of the House
235 Cannon House Office Building
Washington, D.C. 20515

The Honorable John A. Boehner
Minority Leader
1011 Longworth House Office Building
Washington, D.C. 20515

The Honorable Tammy Baldwin
2446 Rayburn House Office Building
Washington, D.C. 20515