



ASSOCIATION OF AMERICAN UNIVERSITIES

Executive Vice President

March 25, 2009

The Honorable Patrick J. Leahy
United States Senate
Committee on the Judiciary
433 Russell Senate Office Building
Washington, DC 20510

The Honorable Arlen Specter
United States Senate
Committee on the Judiciary
711 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Specter:

I write on behalf of the Association of American Universities, the American Council on Education, the National Association of State Universities and Land-Grant Colleges, the Association of American Medical Colleges, the Association of University Technology Managers, and the Council on Governmental Relations to convey university views on S. 515, the Patent Reform Act of 2009.

We commend you for the progress you have made in developing legislation that can enhance the U.S. patent system to promote the innovation so important to the nation's competitiveness in the 21st century. We recognize and deeply appreciate the responsiveness shown by your Judiciary Committee colleagues and you to past concerns of universities.

In the attached statement, we describe two principal issues of concern in S. 515: 1) the determination of damages, and 2) the *inter partes* reexamination component of post-grant review procedures. We know that a great deal of work is underway on these issues, and we believe that both issues can be addressed in ways that fairly balance competing interests and strengthen our patent system.

Thank you again for your effective work on further strengthening our patent system. We look forward to continuing to work with you and your staffs to complete this important process.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Vaughn".

John C. Vaughn
Executive Vice President

cc: Senate Judiciary Committee Members