



ASSOCIATION OF AMERICAN UNIVERSITIES

Executive Vice President

February 5, 2008

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

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

Dear Chairman Leahy and Ranking Member Specter:

Five associations representing university interests in patent reform—the Association of American Universities, the American Council on Education, the National Association of State Colleges and Universities, the Association of American Medical Colleges, and the Council on Governmental Relations—have been working for over two years with Congress and other members of the patent community on the important effort to reform U.S. patent law.

During the patent reform process, we have conveyed our views to Congress and other patent stakeholders in formal testimony and numerous other communications. Unfortunately, a non-university group, the Coalition for Patent Fairness, has presumed to speak for universities, recently distributing a document that seriously misrepresents university views. The Coalition's document suggests that universities fully support S. 1145 as reported. That is not so.

We strongly support Congress' efforts on patent reform. S. 1145 *as introduced* contained a number of provisions that we support but also included provisions that were of considerable concern for universities. S. 1145 *as reported* effectively addresses a number of these issues, and we very much appreciate the responsiveness of the Senate Judiciary Committee to our concerns. Despite the improvements in S. 1145 as reported, significant problems remain for universities, particularly with respect to the determination of damages, mandatory prior art searches, and the post-grant "second window."

To correct the misrepresentations of the Coalition for Patent Fairness document and present an accurate statement of views of the university associations on the current version of S. 1145, the attached document describes the provisions of S. 1145 as introduced that we have supported from the outset, concerns with that bill that have been resolved, and our remaining concerns.

We look forward to continuing to work with Congress and other stakeholders to resolve remaining concerns so that this important legislation can be enacted into law to enhance the ability of U.S. patent law to foster innovation and strengthen the nation's international competitiveness.

cc: Senate Judiciary Committee Members

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Vaughn". The signature is fluid and cursive, with a large initial "J" and "V".

John C. Vaughn
Executive Vice President