

January 3, 2014

The Honorable Patrick J. Leahy  
Senate Committee on the Judiciary  
437 Russell Senate Office Building  
Washington, DC 20510-4502

Dear Chairman Leahy:

I write on behalf of six university, medical college, and higher education associations to commend you for the introduction of S. 1720 and the initial hearing on the legislation held December 17, 2013, and to request an opportunity for universities to testify at another hearing as a continuation of a deliberative process for the Senate Judiciary Committee's consideration of patent litigation reform legislation. As we noted in our December 11 statement on S. 1720, "[t]he passage of the America Invents Act (AIA), which our associations strongly supported, strengthened and harmonized U.S. patent law to the benefit of the nation's innovation system. S. 1720 effectively extends the enhancements of the AIA by targeting abusive litigation practices that corrode the capacity of the patent system to exploit the AIA enhancements to innovation and economic competitiveness."

The Senate Judiciary Committee has an important opportunity effectively to address the complex issues surrounding abusive patent litigation, including the differential impact of various legislative proposals on different sectors of the patent community, the role of legislation versus the courts, and the overall impact of legislative proposals on the nation's innovative capacity. Particularly given what we believe to be an unfortunately rushed process adopted by the House Judiciary Committee in bringing H.R. 3309 to the House floor for a vote, we hope that you will engage a more deliberative approach to considering the legislative proposals before your committee.

During the December 17 hearing, several Judiciary Committee members called for an additional hearing and specifically indicated an interest in hearing from the university community. We agree with this view and urge you to hold another hearing. If you do so, we would appreciate the opportunity to testify. Universities play a key role in the nation's innovation system, and we would like to present our views on the record.

As was the case during the consideration of the AIA, a series of committee-moderated briefings on key issues, engaging all relevant stakeholders, also could prove valuable in addressing difficult issues and crafting balanced legislation that substantially curbs abusive litigation practices while preserving the ability of patent holders effectively to enforce their patent rights.

As Senate Judiciary Committee Chairman, you have established a well-deserved reputation for engaging thoughtful deliberative processes for addressing complex issues; indeed, your exercise of such statesmanship played a key role in the successful enactment of the AIA, the most significant reform of the U.S. patent system since 1952. We hope that you will adopt a similar process for consideration of S. 1720 and related legislative proposals. Doing so will enable the Senate Judiciary Committee to play a defining role in crafting effective, balanced legislation curbing abusive patent litigation practices.

Thank you for your consideration of our views.

Respectfully,

A handwritten signature in black ink, reading "John C. Vaughn". The signature is fluid and cursive, with the first name "John" and the last name "Vaughn" clearly legible, and "C." as a small initial between them.

John Vaughn  
Executive Vice President  
Association of American Universities

cc: Members of the Senate Judiciary Committee