



BIG TEN SINCE 1896

January 20, 2015

The Honorable Richard Durbin
U.S. Senate
711 Hart Senate Office Building
Washington, DC 20510

Dear Senator Durbin:

As the 114th Congress begins its work, we want to take this opportunity to pledge our interest in working with you on a number of issues that are important to our institutions.

As presidents and chancellors of the Big Ten universities, one of the issues of importance is the recent effort to rewrite patent litigation law. We urge Congress to take a cautious approach in this endeavor. While we support the goal of targeting abuse of the patent system and especially abusive patent litigation, we respectfully ask that you preserve the ability of small businesses and universities to license and enforce their patent rights.

One of the major ways research universities like ours help serve the nation is by transferring the patentable inventions developed in university-owned research labs to the private sector for development into new technologies to benefit all Americans, whose tax dollars frequently paid for much of that research. This process has brought about hundreds of billions of dollars in economic activity and over three million jobs in the past thirty years nationwide. Having a strong defensible patent is crucial to ensuring that those who want to commercialize the discoveries emerging from university research can access the investment dollars they need to move their discoveries into the marketplace.

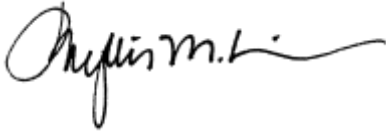
Last session, the House of Representatives passed HR 3309, the Innovation Act. That legislation – had it become law – would have made using the courts to enforce any patent much more difficult. The provisions, especially those involving “loser pays” (automatically awarding attorney fees to a prevailing party) and “joinder,” (requiring joinder of any party with a financial interest in the litigation, such as a university inventor) as written, would have the effect of making patent licensing negotiations more complex and likely discourage at least some of our members from licensing their inventions at all. In addition, these provisions would make litigation so potentially risky that few legitimate patent holders without deep pockets would dare risk doing so.

While legislation in the Senate Judiciary Committee ultimately was set aside, we understand that legislation similar to HR 3309 may be forthcoming early in the new Congress. Unless patent holders are able to defend and assert their patents, the value of the patent system is eroded and fewer businesses will be willing to license and develop these patents into the new products, new drugs and medical devices that will improve the quality of life and increase economic growth for our nation.

We agree that those who abuse the patent litigation system should not be rewarded, and we support narrow legislation that targets those individuals. What Congress must not do is turn that effort into making legitimate patent holders – such as universities and our commercial partners – unable to license and defend their patents. We urge you to support us on this issue and oppose legislation that hampers innovation.

Thank you for your attention to our views. We will continue to highlight our concerns as this process moves forward.

Sincerely,



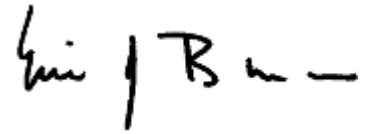
Phyllis M. Wise
Chancellor
University of Illinois at Urbana-
Champaign



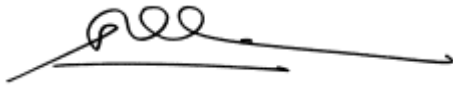
Mark Schlissel
President
University of Michigan



Michael V. Drake
President
The Ohio State University



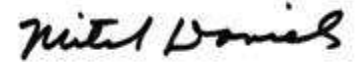
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Pennsylvania State University



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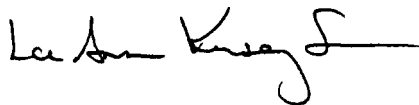
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