



ASSOCIATION OF AMERICAN UNIVERSITIES

Executive Vice President

September 6, 2007

The Honorable John Conyers Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable Lamar S. Smith
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable Howard Berman
Chairman
Judiciary Subcommittee on Courts,
the Internet and Intellectual Property
U.S. House of Representatives
Washington, DC 20515

The Honorable Howard Coble
Ranking Member
Judiciary Subcommittee on Courts,
the Internet and Intellectual Property
U.S. House of Representatives
Washington, DC 20515

Dear Chairmen Conyers and Berman and Ranking Members Smith and Coble:

I write on behalf of the five university, higher education, and medical college associations engaged on patent reform — 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, and the Council on Governmental Relations — to express our support for bringing H.R. 1908, the Patent Reform Act of 2007, before the House for its consideration.

We strongly support Congress' efforts on patent reform, believing that our U.S. patent system, although robust and effective in many respects, can be significantly improved to be an even more effective instrument for supporting this nation's competitiveness in the 21st century global economy.

H.R. 1908 as introduced contained a number of provisions that we supported but also included provisions that were of considerable concern for universities, undermining their ability to contribute to society through the patent system. We recognize and appreciate the substantial progress the Committee has made in addressing our concerns since the bill's introduction, particularly given the daunting task you have faced in trying to address legitimate but often competing interests across diverse sectors of the patent community.

Despite these improvements, we continue to have concerns that we believe need to be addressed, particularly the expansion of prior user rights and the provisions governing the award of damages. *Our support for moving the bill to the floor for a vote is contingent on our understanding that the bill's managers are committed to addressing these issues as the bill moves forward.*

America's universities are the principal source of the basic research that expands the frontiers of knowledge and produces discoveries that enhance our national security, strengthens our economic competitiveness, and enriches the lives of our citizens. The U.S. patent system is a critical component of the process by which discoveries made through university research are transferred into the commercial sector for development into useful products and processes that benefit society.

Given our interest in achieving significant patent reform, and our recognition of the importance of accomplishing this process in the current Congressional session, we support bringing H.R. 1908 before the House with the recognition that continued work needs to be carried out. We are committed to participating in these continuing efforts with the goal of enabling universities to participate effectively in the patent system in a manner that strengthens that system overall.

Sincerely,

A handwritten signature in black ink, reading "John C. Vaughn". The signature is written in a cursive style with a large, looped initial "J".

John C. Vaughn
Executive Vice President