



June 14, 2011

The Honorable Lamar S. Smith
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Lamar Smith:

On behalf of the Information Technology Industry Council (ITI), I write to express our strong support for HR 1249, the America Invents Act of 2011. Your legislation contains numerous improvements to the U.S. patent system that will strengthen our economy by incentivizing innovation and job creation.

Given the importance of this issue to the high-tech community, we will consider scoring votes in support of final passage of the America Invents Act in our 112th Congressional Voting Guide. We may also score and strongly oppose any amendment to remove or alter the "first inventor to file" standard from the legislation and any amendment to strike Section 22 of the bill which prevents PTO user fees from being diverted to other governments programs.

ITI's members are global leaders in innovation--from all areas of the IT sector including hardware, services, and software. This diverse group is in agreement that the best way to strengthen our economy and create new jobs is to continue America's leadership in innovation and invention. An effective patent system that promotes the development of new technologies is critical to our economic future.

Our strong interest in energizing our economy through innovation leads us to support reforming a patent system that is no longer efficient or effective in enabling new technologies. We commend you and your colleagues in Congress for working tirelessly over the years to marshal support for a patent reform measure that will address the abuses in the patent system that chill innovation, job creation and growth.

Congress's deliberations have deepened the understanding among policymakers, stakeholders and the public; and have highlighted areas of agreement aimed at improving the patent system and patent quality. Those areas of consensus include:

- Stabilizing funding for the U.S. Patent and Trademark Office by giving the office the ability to set its own fees and allowing it to keep all of those fees for USPTO operations and not other government uses.
- Joining the rest of the world in adopting a "first inventor to file" system for granting patents that includes an expanded prior user rights similar to other major jurisdictions.
- Allowing third parties to submit prior art for consideration in connection with pending patent applications.
- Ending frivolous "false marking" litigation, by preventing outsized awards where there is no showing of actual harm, or an opportunity for notice and cure.

On behalf of ITI's member companies, I thank you for your leadership on reforming our outdated patent system. We look forward to working with you to enact patent legislation that will continue to protect intellectual property and provide for innovation and job growth.

Sincerely,

Dean C. Garfield
President & CEO

CC: Members of the House of Representatives