



December 3, 2013

The Honorable Robert W. Goodlatte
Chairman, Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

On behalf of BSA | The Software Alliance, I write to express strong support for the Innovation Act (H.R. 3309) and the changes you have offered in the Manager's Amendment. The Innovation Act represents a solid framework for needed reform. We strongly urge Members of the House of Representatives to support passage of H.R. 3309 without amendment.

There is near-universal recognition that abusive patent litigation creates a heavy burden for companies across the US economy — slowing innovation, undermining competitiveness, and stunting economic growth. Predatory patent litigation is an urgent problem that demands legislative action. But it is important for lawmakers to remember that the issue is not the patent system itself; it is the abusive litigation practices commonly used by patent assertion entities known as “trolls.” H.R. 3309 strikes a balance that will make life hard for bad actors and better for American innovators.

BSA strongly supports key measures in H.R. 3309 that reduce the financial incentive for bad actors to engage in abusive patent litigation — measures such as fee shifting, curbing discovery abuse, making patent cases more efficient, and requiring patent holders to be precise in their claims of infringement and transparent about their ownership structures. We also appreciate and support the fact that the bill does not attempt to expand the Transitional Program for Covered Business Method Patents that was just implemented by the PTO about a year ago.

We understand that some important provisions will require further consideration as patent litigation reform legislation moves toward enactment. One such issue is the provision intended to protect innocent customers against frivolous infringement claims. We support the underlying purpose of this provision. We believe, however, the current language should be improved, and we look forward to working with you and your Senate colleagues to find the appropriate balance, to ensure that the provision works for its intended purpose but does not have unintended consequences for innovators or allow abuse of the system.

We are pleased to support H.R. 3309 and look forward to working with you as this important measure moves toward enactment.

Sincerely,