

**Inventor Network of the Capitol Area
6501 Inwood Drive
Springfield, VA 22150**

September 17, 2007

Dear Senator Majority Leader Reid:

Please vote NO on S. 1145 to reform the U.S. patent system and send this poorly conceived bill back to the Judiciary Committee for reconsideration of its basic features.

In its current form, S. 1145 would drastically alter the U.S. patent system from the strongest in the world to one of the weakest. This will end America's critically important technological leadership in the world and thereby put America's economy and national security at risk.

There is certainly no "crisis" now that requires urgent action. At best, there is no consensus on any of the major proposals. A change this fundamental should be based on substantial consensus. There is very strong bipartisan opposition to this bill, including from almost all existing patent holders.

Moreover, the core of the Patent "Fairness" Coalition behind this patent reform proposal – Microsoft, HP, Dell, Cisco, and Micron Technology – are certainly not threatened in any meaningful way by a continuation of the patent system status quo. They have suffered only very minor patent litigation losses relative to their huge sizes, despite a constant media barrage of whining.

The biggest loser lately has been Microsoft, whose actual patent litigation losses to date appear to be a very tiny fraction (about 1/3 of one percent) of its existing \$50 billion cash balance. Even a much smaller company like Blackberry, who refused to settle their patent dispute initially for a few million dollars, suffered no life-threatening losses when it finally paid NTP hundreds of millions. In fact, Blackberry's stock price shot up several billion dollars the very day it finally saw the wisdom of settling their dispute instead of continuing to prolong it.

In contrast, the so called reforms of S. 1145 represent a very real crisis for independent inventors, nearly all of whom will not survive it, and their critical technical contributions to the U.S. economy and national defense will be lost.

For one example, the proposed new post grant opposition of S. 1145 could increase the cost of obtaining a single patent from up to \$10,000 to over \$100,000 or more, and also give infringers two to four years to steal the entire new product market away from the true inventor, who would be left without patent protection during the opposition. Nearly all independent inventors would be forced to quit by this provision alone and S. 1145 contains dozens of these killer provisions.

Just as another example, S. 1145 proposes that all patent suits would be litigated in the home judicial district of the patent infringer, so the playing field would always be tilted against the patent owner. Only individual inventors so close to the poverty line they could not afford a patent suit anyway are excluded from this provision, which shows the bad faith of the "Fairness" Coalition. This is what they mean by "fair". In stark contrast, all non-patent federal law suits would continue to be filed in any federal court anywhere in the U.S., at the plaintiff's discretion.

The proponents of patent reform are all global corporations so large and bureaucratic that they are unable to innovate successfully themselves (think in terms of a committee trying to design a horse and ending up with a camel). Therefore these globalist infringers do not rely on patents; instead they copy the innovations of others. They are giant patent infringers who steal the brilliant ideas of individual and small business inventors. The proposed patent reforms would allow them to do so for free.

The Coalition for Patent "Fairness" are global giants that sell less than half of their products in the U.S. and see all of their future growth in China, India, and other foreign markets. Their corporate interests are now predominantly foreign-based and often opposed to the national interests of America, particularly in the area of patent law.

Historically and continuing even today, independent inventors provide nearly all of the fundamental new breakthrough technologies upon which entirely new products and new industries are based. We independent inventors are all opposed to S. 1145 and have been completely excluded from the debate and formulation of this bill.

The current U.S. patent system uniquely protects this critical individual and small business innovation, which exists almost nowhere else in the world. Copying U.S. technology for free is the rule in Europe, Japan, China, India and elsewhere. Patent infringers, not innovators, are protected in those countries and innovators in those countries are crushed. If S. 1145 is passed, patent innovators will be crushed in the U.S. as well, and the U.S. will lose its only remaining economic advantage in the world economy and degrade its national defense.

The current U.S. patent system has been fundamental to the ongoing unparalleled success of the American economy and our national security. Do not unnecessarily put that success at risk.

Please Vote NO on S. 1145.

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