

April 8, 2015

The Honorable Senator Richard Blumenthal  
United States Senate  
724 Hart Senate Office Bldg.  
Washington, DC, 20510

Dear Senator Blumenthal,

Intellectual property is the lifeblood of the biotechnology industry. Strong patents, and an efficient, predictable, and objective system for defending patent rights, are critical to ensuring a steady stream of capital to biotechnology companies developing innovative medicines, alternative energy sources, insect- and drought-resistant crops, and a wide range of other innovative biotechnologies that are helping to feed, fuel, and heal our planet. This quintessentially-American industry leads the world in innovation, providing the United States with a global competitive advantage and spurring economic growth and the creation of high-paying jobs here at home.

While we applaud Congress' efforts to curb abusive litigation in the patent system, we hope Congress will proceed cautiously when considering legislation to do so. There is no question that reigning in abuse of the patent system is important, but so too is maintaining the ability of legitimate patent holders to defend and enforce their intellectual property rights. Any effort by Congress to target such abuses should focus not only on so-called patent trolls, but also those who abuse the patent system to attack patent rights for similarly illegitimate reasons.

For example, fixing the PTO's new administrative patent challenge system known as Inter Partes Review (IPR) - as addressed by S. 632, the STRONG Patents Act of 2015 - would prevent serious abuses by those seeking to harm patent owners for their own benefit by attacking validly issued patents. This new system, which heavily favors patent challengers, is fundamentally undermining the value and predictability of patent rights and wreaking havoc on the legitimate, investment-backed expectations of patent owners, and needs to be reformed in a more balanced manner.

CURE (Connecticut United for Research Excellence) and our members support efforts to bring an end to abusive patent practices - *by* patent owners and *against* them - but urge Congress to craft a narrowly-drawn approach that maintains the right of legitimate patent holders to assert and enforce their intellectual property rights. Without a strong and robust patent system, it would be increasingly difficult for biotechnology companies to attract the massive investment necessary to capitalize on their ground-breaking research, stunting the innovation cycle and economic growth fueled by such patent-dependent investment. A balanced patent system that enables inventors to protect their innovations will encourage investment and lead to new discoveries, new products and ultimately economic growth. We hope Congress will maintain that balance in any future patent legislation it considers.

Thank you for your consideration.

Respectfully,

Anthony D. Sabatelli, PhD, JD  
Chair, CURE Government Affairs Committee