

June 10, 2015

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
United States House of Representatives
2142 Rayburn House Office Building
Washington, DC 20515

**Re: AIPLA's Views on the Manager's Amendment to H.R. 9, the
Innovation Act of 2015**

Dear Chairman Goodlatte and Ranking Members Conyers:

I am writing on behalf of the American Intellectual Property Law Association (AIPLA) to present our views on the Manager's Amendment to H.R. 9, the Innovation Act of 2015, which aims to deter certain abusive practices through reforms to the patent litigation system and proceedings before the U.S. Patent and Trademark Office (USPTO).

AIPLA appreciates the ongoing efforts of Members and staff of this Committee to address abusive behavior in the patent litigation system. We also appreciate that the Manager's Amendment includes improvements to the provisions on heightened pleadings, limits on discovery, stays of customer suits, covenant not to sue, and the Judicial Conference rules and procedures. However, in our view the amendments do not achieve the desired balance of interests or alleviate concerns we raised in our [April 16, 2015 letter](#). For example, we are particularly disappointed that the Manager's Amendment to H.R. 9 does not include improvements to the fee-shifting provision, such as the language of S. 1137.

In addition, AIPLA notes that several provisions have been added in the Manager's Amendment without sufficient public consideration, including those related to venue and mandamus, statute of limitations for disciplinary actions, clarification of jurisdiction, trademark appeals, and double patenting. We believe that more time and consideration is necessary and appropriate to carefully consider the impact of such provisions.

AIPLA will continue to study the changes and stands ready to work with Committee Members and staff to ensure that abusive patent litigation practices are fully addressed without harming the ability of legitimate patent holders to enforce their rights.

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Thank you in advance for considering our views on these important issues. If you have any questions, please feel free to contact AIPLA Executive Director Lisa Jorgenson at ljorgenson@aipla.org or 703-415-0780.

Sincerely,

A handwritten signature in cursive script that reads "Sharon A. Israel".

Sharon A. Israel

President

American Intellectual Property Law Association

Cc: Members of the House Judiciary Committee