

May 21, 2015

The Honorable Chuck Grassley
Chairman
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Patrick J. Leahy
Ranking Member
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Bob Goodlatte
Chairman
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20510

The Honorable John Conyers
Ranking Member
House Committee on the Judiciary
B-351 Rayburn House Office Building
Washington, DC 20510

Dear Chairman Grassley, Ranking Member Leahy, Chairman Goodlatte, and Ranking Member Conyers:

As Congress considers legislation related to the U.S. patent system, our organizations, which represent millions of patients across the country, are prepared to work with you to strengthen our current patent system to foster an environment ripe for innovation and investment. We believe that any legislative reforms should maintain a strong and secure patent system that recognizes the rights of legitimate patent owners and addresses the new forms of abuses that have emerged in both the courts and at the U.S. Patent & Trademark Office (PTO).

As you well know, changes to our current patent laws will have a direct impact on the development of new therapies and treatments for the millions of patients we represent who suffer from conditions for which there remain substantial unmet medical needs. Patents are critical to the drug development process, and strong and reliable patents are the fundamental basis upon which investment in new therapies and treatment occurs.

In 2011, Congress enacted the America Invents Act, which created a new system by which a person or entity can challenge patents at the PTO. The PTO has implemented the system in such a way that it is now easier to invalidate patents than in district court. We are concerned that this will cause the value of patents to diminish and as a result, investment in new treatments for patients could possibly suffer.

Further, if a patent's value can be easily diminished or challenged on a broad range of grounds at any time during the long drug development process, we fear that it will be even more difficult to secure financing for therapeutic developments. The risks that already exist in drug development make it an uncertain investment, forcing many nonprofit organizations to find other ways to drive money into the early stages of translational research, proof of concept, and even early phases of clinical trials. We respectfully ask that Congress address these issues in any comprehensive legislation to ensure the system is balanced.

We believe that legislative reforms should strengthen the patent system so that promising early stage research can continue to secure the support necessary to advance through the drug development process. We appreciate your efforts to date, and we look forward to working with you to ensure that any reforms are consistent with these principles.

Sincerely,

National Organizations:

Allergy & Asthma Network
Alpha-1 Foundation
American Autoimmune Related Diseases Association
American Kidney Fund
Bonnie J. Addario Lung Cancer Foundation
Bridge The Gap - SYNGAP Education and Research Foundation
CADASIL Together We Have Hope
Caregivers Action Network
Celiac Disease Foundation
Chris4Life Colon Cancer Foundation
COPD Foundation
Cure SMA
Epilepsy Foundation
EveryLife Foundation for Rare Diseases
Global Colon Cancer Association
Global Genes
Hannah's Hope Fund
HealthHIV
HealthyWomen
Immune Deficiency Foundation
International Cancer Advocacy Network
International Foundation for Autoimmune Arthritis
International Myeloma Foundation
Kidney Cancer Association
Leukemia & Lymphoma Society
Lupus and Allied Diseases Association, Inc.
Lupus Foundation of America
Men's Health Network
Mended Hearts, Inc.
MLD Foundation
National Adrenal Diseases Foundation
National Alliance on Mental Illness
National Coalition for Cancer Research (NCCR)
National Council for Behavioral Health
National Grange
National MS Society
National Patient Advocate Foundation

National Psoriasis Foundation
Ovarian Cancer National Alliance
Parent Project Muscular Dystrophy
Parkinson's Action Network
Prostate Health Education Network, Inc.
Rare and Undiagnosed Network (RUN)
RetireSafe
Salud USA
St. Baldrick's Foundation
The AIDS Institute
The ALS Association
The Center for Health Care Services
The Desmoid Tumor Research Foundation
The National Hispanic Council on Aging
Transplant Recipients International Organization
Tuberous Sclerosis Alliance
US Pain Foundation
Veterans Health Council
Vietnam Veterans of America
Vitiligo Support International

State Organizations:

AIDS Delaware
Asthma and Allergy Foundation of America – New England Chapter
Colorado Gerontological Society
Community Health Charities of Florida
Community Health Charities of Kentucky
Delaware HIV Consortium
Easter Seals - Iowa
Elder Care Advocacy of Florida
Epilepsy Foundation of Kentucky
First Step House
Florida State Hispanic Chamber of Commerce
Hep C Connection
Hepatitis Education and Liver Support (H.E.A.L.S)
Kentucky and Southern Indiana Stroke Association
Massachusetts Association for Mental Health
Mental Health America of Indiana
Mental Health Systems
National Alliance on Mental Illness – Alabama
National Alliance on Mental Illness - Indiana
National Alliance on Mental Illness – Oregon
National MS Society: Virginia – West Virginia Chapter
Neurofibromatosis, Inc. Mid-Atlantic
New England Community for Cancer Survivorship
Northeast Kidney Foundation

One in Four Chronic Health
Playing for Life Foundation
Rio Grande Valley Diabetes Association
Rocky Mountain Stroke Center
Rush to Live
Rx Partnership
SAGE Utah
Texas Nurse Practitioners
The New Jersey Association of Mental Health and Addiction Agencies
The Psychiatric Society of Virginia
Utah Pride Center
Wellness & Education Community Action Health Network

cc: Members, Senate Committee on the Judiciary
Members, House Committee on the Judiciary