



March 17, 2015

Chairman Grassley
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Ranking Member Leahy
United States Senate
Committee on the Judiciary
437 Russell Senate Building
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Leahy:

On behalf of BSA | The Software Alliance¹, I applaud your leadership and unshakable commitment to making much needed improvements in our patent system. We urge you to move quickly to introduce and enact legislation to end abuses that occur in patent litigation.

Despite the important and beneficial reforms made by the 2011 America Invents Act, there remains an urgent need for changes that recalibrate certain distorted financial incentives that fuel abusive practices in patent litigation. Bad actors continue to take advantage of the specialized nature and unique asymmetries in costs between plaintiffs and defendants that often characterize patent cases.

BSA member companies have a singular perspective on our patent system. As some of the nation's leading innovators and largest patent holders, we have a vested interest in ensuring that the patent system functions effectively and remains the envy of the rest of the world. However, we also are some of the hardest hit victims of abusive patent litigation.

Some have begun to argue that no changes are needed because the Supreme Court has ruled on several patent cases in last the few years. We disagree. The Supreme Court's rulings, while touching on a few of the issues contributing to the abuse, are either constrained by the language of the patent statute or make only incremental changes. As a result, the rulings, even taken together, are not sufficient to alter behavior and curb abuse. The gross imbalance in costs and information that are exploited in unprincipled litigation persist. The abuses have not ended, and they will not end without Congressional action.

We strongly support your efforts to introduce and pass a truly strong, pro-innovation bill to end patent abuse. We look forward to working closely with you and other members of the Committee as you move legislation forward.

Sincerely,

Victoria A. Espinel
President and CEO

cc: Members of the Senate Judiciary Committee

¹ BSA's members include: Adobe, Altium, ANSYS, Apple, Autodesk, Bentley Systems, CA Technologies, CNC/Mastercam, Dell, IBM, Intuit, Microsoft, Minitab, Oracle, salesforce.com, Siemens PLM Software, Symantec, Tekla, The MathWorks, and Trend Micro.