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September 5, 2007

The Honorable Joe Baca
United States House of Representatives
1527 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Baca:

On behalf of the University of California, I wish to commend the leadership of the House Judiciary Committee, and particularly that of Subcommittee Chairman Howard Berman, for many months of patient and diligent work on H.R. 1908, the Patent Reform Act of 2007. The University of California has been afforded many opportunities to comment on this legislation and the compromises offered. Accordingly, we believe this legislation deserves consideration on the House floor without further delay.

For 12 consecutive years, the U.S. Patent and Trademark Office has named the University of California as the leader among the nation's universities in developing new patents. We are proud of the track record of UC faculty in moving innovation from the laboratory to the private sector through the licensing of technology. Currently UC manages more than 3,300 active patents, with a portfolio of 1,750 licensing agreements, mostly with small businesses. Like the private sector, the University of California faces increased litigation costs, delays, and uncertainty as we strive to protect the innovations of our faculty. Accordingly, we support a strong and predictable patent system and understand the stimulus for patent reform.

Since the introduction of H.R. 1908, Chairman Howard Berman and his colleagues have heard the views of the university research community, and the bill, as reported by the Committee, addresses many of our initial concerns, including grace period language for the First Inventor to File, the "First Window" in the new Post-Grant Opposition procedure, allowing third parties to submit evidence of prior art, and preserving the CREATE Act. We continue to believe that there is room for improvement in several provisions of the legislation. Specifically, we support efforts to revise the apportionment of damages provision, strengthen the "expanded *inter partes* reexamination" provision with sufficient estoppel language, and revisit the expansion of prior user rights, among other provisions.

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Nonetheless, we believe, on balance, that the version of H.R. 1908, as reported by the Committee, is superior to the bill as originally introduced. It addresses certain concerns with the current patent system, and the legislative process should move forward.

If you have any questions regarding this legislation please do not hesitate to get in touch with me or Scott Sudduth, our Assistant Vice President for Federal Relations. He can be reached at (202) 974-6302.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Dynes", with a stylized flourish at the end.

Robert C. Dynes

cc: Provost Hume
Executive Vice President Darling
Executive Vice President Lapp
Assistant Vice President Sudduth