

[H.R. 3309, "The Innovation Act"](#) has progressed very rapidly through congress after being introduced by Representative Bob Goodlatte (R. – Va).

The sponsors of the bill intend it to target and minimize abusive patent litigation – often referred to as the “patent troll” problem. [This statement](#) summarizes the opposition to the bill in its current form. The letter was submitted by AUTM and several associations within the higher education community including: American Council on Education (ACE), Association of American Medical Colleges (AAMC), Association of American Universities (AAU); Association of Public and Land-grant Universities (APLU); Council on Governmental Relations (COGR).

Other letters expressing opposition have been submitted by many interest groups, including the Licensing Executives Society (LES), IEEE-USA, Entrepreneurs for Growth, the Medical Device Manufacturers Association, the Patent Office Professional Association, the Innovation Alliance, the National Small Business Association and the Small Business Technology Council.

The fact is, the bill will very likely pass in the House. However, if the margin of "YES" votes can be reduced, there is a very good chance a Senate version will address our concerns. There isn't much time. Floor vote is scheduled for this Thursday, December 5.

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Urge House Members to Vote "No" on H.R. 3309

House floor action on the Innovation Act (H.R. 3309) has been scheduled for this Thursday, December 5, beginning at 9:00 a.m. Please contact House Members in your congressional delegation and urge them to vote NO on the legislation. For those able to do so, please consider joining with other universities in your state to send a collective message to your House Members.

The attached statement was sent to all Members of the House. Also attached are the higher education associations' two earlier statements on H.R. 3309, which were sent to the House Judiciary Committee and which provide explanations of our concerns.

While the university community supports the goals of the legislation to reduce abusive patent litigation practices, the cumulative impact of a number of provisions in the bill would seriously undermine the ability of legitimate patent holders to enforce their patent rights. For universities, H.R. 3309 would impair university technology transfer operations, running counter to the collaborative efforts of universities, industry, and government to increase commercialization of inventions arising from university research. This would weaken the nation's innovative capacity.

For universities, the most problematic provisions of H.R. 3309 are:

- extremely broad fee-shifting provisions that apply well beyond patent infringement cases to any civil action involving patents and create a powerful disincentive for

universities to enforce their patent rights,

- joinder provisions that could draw universities into litigation that they have not initiated but which would carry the massive financial risk brought about by the fee-shifting provisions in the bill.

We remain concerned about a number of additional issues which, as explained in the earlier higher education statements, would further impair the ability of legitimate patent holders to defend their patents.

It is important that House Members understand that universities support the goals of H.R. 3309, but believe that the legislation needs further work before it can achieve those goals without harming the nation's innovative capacity. The university associations addressing patent issues oppose the legislation in its current form, and universities should ask the House Members of their delegations to vote no on H.R. 3309 if it is brought to the floor for a vote.