



14 March 2014

The Honorable Jay Rockefeller, Chairman
Committee on Commerce, Science and Transportation
U.S. Senate
254 Russell Senate Office Building
Washington, DC 20510-6125

Dear Chairman Rockefeller:

IEEE-USA opposes S. 2049, *the Transparency in Assertion of Patents Act*. This legislation intended to curtail abusive practices in the patent system commonly referred to as “patent trolls,” will do more harm than good by mandating that the FTC actively insert itself into patent licensing negotiations.

IEEE-USA is an organizational unit of the Institute of Electrical and Electronics Engineers, Inc. (IEEE), the world’s largest organization for technical professionals, and a leading educational and scientific association for the advancement of technology. IEEE-USA fosters technological innovation for the benefit of all, including more than 200,000 U.S. engineers, scientists, and allied professionals in all 50 U.S. states who are members of the IEEE.

Expanding the FTC’s authority to regulate requests for licensing royalties under vague evidentiary and legal standards only weakens patents and creates costly uncertainty. We understand that S.2049 is on the fast track in the Senate Commerce Committee and ask that you oppose this bill, and not allow S. 2049 to pass out of committee.

IEEE-USA agrees with the goal of curbing abusive patent practices. Clearly, there are bad actors, deceptive demand letters, and frivolous litigation in the patent system. But our contention is that Congress is being driven to revise the patent system on the basis of rhetoric and anecdote instead of objective evidence. Proponents of the bill produced no evidence of a systemic problem requiring a systemic revision to permissible commercial speech that singles out the patent system. The Patent and Trademark Office (PTO) and courts have long had the legal tools to weed out bad patents and punish bad actors, and these tools were significantly expanded two years ago with the enactment of the America Invents Act.

IEEE-USA's members serve on the "front line" of the US patent system. Our membership includes inventors who create and use cutting-edge technology, who research and publish professional articles and journals, and who develop published standards that form the bases of widely adopted and critical technologies. IEEE-USA members are more than merely scientists and research engineers; they are also entrepreneurs and employees of firms that acquire, license, and market patented technology; proper operation of patent law is a critical interest of IEEE-USA.

We look forward to a continuing dialog with you and other members of the Commerce Committee to address the concerns we have with the legislation as it develops during this legislative session.

Sincerely,

A handwritten signature in black ink on a light-colored background, reading "Gary L. Blank".

Gary L Blank, Ph.D.
IEEE-USA President

cc: The Honorable John Thune, Ranking Member
Members of the Committee on Commerce, Science & Transportation