

March 27, 2009

The Honorable Herb Kohl  
330 Hart Senate Office Building  
Washington, D.C. 20510-4903

Dear Senator Kohl:

As members and representatives of some of Wisconsin's most innovative companies, we are proud of our work to create new products that are transforming our state and national economies, particularly in the areas of health care, life sciences and information technology. Through our work, we are building a new climate of innovation in Wisconsin, and are creating countless new opportunities for residents of our great state. Gov. Jim Doyle has noted on many occasions that Wisconsin's future economy will be based upon our innovation in areas such as biotechnology, medical devices, pharmaceuticals and stem-cell research. These sectors and more need strong patents to attract investors and provide strong consequences for infringing companies.

Our ability to innovate, however, depends on a sound system of intellectual property. We need to be confident in the ownership of what we create. We greatly appreciated your efforts last year to ensure that Wisconsin's perspective was considered as Congress deliberated patent reform. Our contribution to the economic welfare of the state includes research and development as well as job creation that results from product manufacturing.

With the assistance of the non-profit and non-partisan Wisconsin Technology Council and BioForward, we write to express our concerns now that Congress is again considering patent reform. We request your help in making sure our intellectual property system remains strong.

While we support efforts to update the U.S. patent system, we urge caution as you proceed. With the economy in recession, now is not the time to consider legislation that would devalue patents and stifle innovation. Specifically, we are concerned that the Patent Reform Act of 2009, S.515, will adversely affect us, the state and the nation.

While provisions on venue and the lack of reform to the inequitable conduct defense are troubling, we are particularly concerned about altering the well-established principles used to calculate damage awards and post-grant opposition proceedings. We ask that you oppose any legislation that would give infringers a windfall to the detriment of those who have negotiated for licenses at market rates. Such windfalls would discourage private equity investments in start-up companies and job creation. A strong economy depends on the continued strength and reliability of the U.S. patent system.

From our perspective, the consequences of S. 515 will be harmful to the U.S. economy. The companies and/or institutions listed below forward to working with you to ensure

that patent reform will improve our patent system while maintaining a sense of fairness, objectivity and security.

**Supporting companies and institutions:**

2Bridge2, Wauwatosa  
3-D TV, Ixonia  
10H Technology, Madison  
Aberdean Consulting LLC, Madison  
aOva Technologies Inc., Madison  
Bachner Vickroy Group LLC, Madison  
BioSentinel, Madison  
Bigtime Creative Services LLC, Madison  
Bioderm, Inc., Madison  
BioForm Medical Inc., Franksville  
BioSystem Development LLC, Madison  
Bridge Business Partners LLC, Madison  
The Blood Center of Wisconsin, Milwaukee  
Cambridge Major Laboratories Inc., Germantown  
Cardiopoietis LLC, Milwaukee  
Cell Line Genetics LLC, Madison  
Cellulose Sciences International, Madison  
Central Wisconsin Business Angels, Wausau  
Commercial Tenant Advisors, Madison  
Compact Particle Acceleration Corp., Madison  
Earth IT, Madison  
5Nines Data LLC, Madison  
Flanagan Financial, Onalaska  
FLEx, Chicago, Ill., and Madison  
FluGen Inc., Madison  
Functional Biosciences, La Crosse  
Gehrke & Associates SC, Wauwatosa  
Gentel Biosciences, Madison  
Innovative Sports Strategies, Milwaukee  
Integrated Genomics Inc.  
Invivosciences LLC, McFarland-Milwaukee  
ISORel, Inc., Fitchburg  
Jendusa Engineering, Hartland  
Kashmerick Engine Systems LLC, Brookfield  
Lansare, Milwaukee  
Lathrop & Clark LLP, Madison  
Life Technologies, Madison  
Marquette Golden Angels  
Marvel Medtech LLC, Cross Plains  
Matador Consulting LLC, Madison

MedImmune  
Mithridion, Madison  
Molecular Specialties, Milwaukee  
Monolith Engines Inc., Waukesha  
Musicnotes Inc., Madison  
NeoClone, Madison  
Next Generation Clinical Research, Oregon  
NorthStar Economics, Madison  
Perceptual LLC, Racine  
Phillips Plastics, Phillips  
PhysioGenix Inc., Milwaukee  
Plas-Tech Engineering, Inc., Lake Geneva  
Prism Clinical Imaging, Milwaukee  
ProSentinel, Madison  
Quincy Bioscience, Madison  
Quintessence, Madison  
ReaLens LLC, Oshkosh  
Riemer Solutions LLC, Whitewater  
Roxx Consulting Service, Inc., New Berlin  
Rusk Prairie Consulting Group, Menomonie  
SciLog, Inc., Middleton  
Shallbetter, Oshkosh  
Solar Carport Canopy LLC, Verona  
Spaulding Clinical, West Bend  
Stemina Biomarker Discovery, Madison  
Strang Inc., Madison  
SuperGroup Outdoor Corp., Antigo  
Soil & Topography Information LLC, Madison  
TomoTherapy Inc., Madison  
TrackCost Corp., Milwaukee  
University of Wisconsin-Milwaukee  
Vantus Technology Corporation, Waukesha,  
Venture Investors LLC, Madison  
Vector Surgical, Oconomowoc  
Wisconsin Alumni Research Foundation, Madison  
Wisconsin Investment Partners, Madison  
WiSys Technology Foundation (representing UW System campuses outside Madison and Milwaukee)  
Zystor Therapeutics Inc., Milwaukee