

February 15, 2008

The Honorable Frank R. Lautenberg
United States Senate
324 Hart Senate Office Building
Washington, DC 20510

The Honorable Robert Menendez
United States Senate
317 Hart Senate Office Building
Washington, DC 20510

Dear Senators Lautenberg & Menendez:

As New Jersey employers who invest heavily in research and development in the state, we are writing to express our concerns about S. 1145, the Patent Reform Act of 2007, that is expected to be taken up by the Senate in the near future. We are strong supporters of any legislation that will improve America's patent system to keep the United States at the forefront of innovation -- key to a vibrant economy. However, we believe that certain provisions in S. 1145 would, instead, diminish patent quality, make infringement of patents easier, and chill innovation overall, resulting in negative consequences for our companies, our employees and those we serve.

Our companies support thousands of high-wage, high-skill jobs in New Jersey. We are committed to contributing to a robust New Jersey economy, and to investing in the latest technologies to bring to the marketplace the most advanced products. However, to do this, we need to be able to rely on strong patent protections that will provide certainty and reliability, and enforceability of our rights if our patents are infringed.

We are especially concerned about the proposed changes to the well established principles used to calculate damages awards whenever a patent is infringed, and the addition of a costly new post-grant opposition system that would undermine a patent's enforceability throughout its life. We fear these changes would have unintended consequences and weaken a patent system that has allowed U.S. entrepreneurship to flourish, fostering more start-up businesses than any other country in the world. In addition, the bill codifies the current inequitable conduct doctrine rather than make broadly supported reforms to eliminate litigation abuse of the doctrine and gain increases in patent quality.

We are hopeful that adequate changes will be made to the legislation prior to a vote on the Senate Floor, permitting us to support S. 1145. We stand ready to work with you to achieve that goal.

Sincerely,

Abbott Laboratories, Inc.
Parsippany, NJ

Barrier Therapeutics, Inc.
Princeton, NJ

BioNJ
Trenton, NJ

Bristol-Myers Squibb
Princeton, NJ

Celgene Corporation
Summit, NJ

Chromocell
North Brunswick, NJ

Eisai Inc.
Woodcliff Lake, NJ

EluSys Therapeutics, Inc.
Pine Brook, NJ

Genmab, Inc.
Princeton, NJ

Genta Incorporated
Berkley Heights, NJ

GlaxoSmithKline
Parsippany & Clifton, NJ

HealthCare Institute of New Jersey
Bridgewater, NJ

Immunomedics, Inc.
Morris Plains, NJ

Johnson & Johnson
New Brunswick, NJ

Lexicon Pharmaceuticals, Inc.
Princeton, NJ

LifeCell Corporation
Branchburg, NJ

Merck & Company, Inc.
Whitehouse Station, NJ

Novartis Pharmaceuticals Corporation
East Hanover, NJ

Novo Nordisk, Inc.
Princeton, NJ

Ortho Biotech
Bridgewater, NJ

Pepsi Co.
Jersey City, NJ

Pfizer, Inc.
Morris Plains, NJ

Qualcomm Inc.
Bridgewater, NJ

Roche
Nutley, NJ

sanofi-aventis U.S. Inc.
Bridgewater, NJ

Schering-Plough, Corp.
Kenilworth, NJ

Stryker Corporation
Allendale & Mahwah, NJ

Vicus Therapeutics
Morristown, NJ

Wyeth
Princeton, NJ