

Eric H. Holder, Jr.  
Attorney General of the United States

Neal K. Katyal  
Acting Solicitor General of the United States

U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001  
*Via facsimile*

**Re:** *Microsoft Corp. v. i4i L.P. and Infrastructures for Information Inc.*, pending in the United States Supreme Court, No. 10-290

*Washington, D.C., December 22, 2010;  
With 90 additional signatories, January 13, 2011*

Dear Attorney General Holder,  
Dear Acting Solicitor General Katyal:

On behalf of the 261 undersigned businesses, research institutions, technology startup companies and organizations representing American innovation from all 50 states and the District of Columbia, we are writing concerning the pending consideration of the *Microsoft v. i4i* appeal in the United States Supreme Court. We are greatly concerned that a reversal of the lower court's decision in this case could seriously weaken the presumption of validity that attaches to millions of patents in force in the United States today, thereby undermining longstanding investment-backed reliance interests that are critical for domestic job creation and economic growth, and for U.S. technological leadership internationally.

The U.S. patent system is the strongest in the world. It promotes innovation by facilitating the investment necessary for small businesses to form and grow, and for more established businesses to continue competing and thriving in an increasingly competitive global marketplace. Our patent system helps ensure that the United States can continue to reap the benefit of innovation and advances in technology, which creates jobs and growth opportunities in every state and every sector of our economy.

Private investment in innovation, however, is predicated on the ability of businesses to rely on the strength and presumed validity of issued patents for product development, partnering, and licensing decisions. The public, likewise, has an expectation that patents that were examined and granted by the U.S. Patent and Trademark Office confer valid rights that should be respected and on which it can rely. Accordingly, courts have required since long before the enactment of the 1952 Patent Act that those who seek to challenge a patent before a lay jury or generalist judge must carry a heightened burden of proof, under which the facts underlying the validity challenge must be proved to a high degree of probability, by "clear and convincing evidence."

Permitting infringers to invalidate patents on a lower standard of evidence, as is now proposed in the *Microsoft v. i4i* case, could thus frustrate decades of settled expectations under which large investments were made in reliance on patents that were believed to carry a strong presumption of validity. Shifting the law to a weaker presumption of validity could also deeply affect the prospective investment and product development decisions of innovative businesses, affect public-private technology transfer, and profoundly change the behavior of patent applicants and litigants.

We believe this issue to be of critical importance for domestic innovation, job creation, and the Nation's technological leadership internationally. Accordingly, we respectfully request you to carefully consider these implications as you develop any position that the United States Government may take on this important Supreme Court appeal. We also would urge you to seek input from a wide range of stakeholders across the U.S. economy and from within the U.S. Government to ensure that any such position will help preserve and promote innovation across the broad spectrum of the American economy.

We thank you for considering our views on this crucial matter, and we look forward to working with you in this regard.

Respectfully submitted,

**3M Company**  
*St. Paul, MN*

**Ace Vision Group Inc.**  
*Cuyahoga Falls, OH*

**Acorda Therapeutics Inc.**  
*Hawthorne, NY*

**Acorn Cardiovascular**  
*New Brighton, MN*

**ActiveVideo Networks, Inc.**  
*San Jose, CA*

**Acustream LLC**  
*McLean, VA*

**Adams Capital Management, Inc.**  
*Boston, MA*

**Advanced BioHealing**  
*Westport, CT*

**Advanced System Technologies, Inc.**  
*Oakland, CA*

**Aero Marine Co.**  
*Port Townsend, WA*

**Alkermes**  
*Waltham, MA*

**Allergan Inc.**  
*Irvine, CA*

**Alliance for American Innovation**  
*Washington, DC*

**Allvivo Vascular Inc.**  
*Lake Forest, CA*

**Alpha Scientific Corp.**  
*Malvern, PA*

**Amgen Inc.**  
*Thousand Oaks, CA*

**American Innovators for Patent Reform**  
*New York, NY*

**Amylin Pharmaceuticals Inc.**  
*San Diego, CA*

**Anatomic Research, Inc.**  
*Arlington, VA*

**Antigenics**  
*Lexington, MA*

**APJeT Inc.**  
*Santa Fe, NM*

**Apnex Medical Inc.**  
*St. Paul, MN*

**ArborGen**  
*Charleston, SC*

**Articulinx**  
*Cupertino, CA*

**Aspiration Innovation Inc.**  
*Fort Collins, CO*

**Augme Technologies Inc.**  
*New York, NY*

**Automotive Technologies International, Inc.**  
*Denville, NJ*

**B&R Plastics Inc.**  
*Denver, CO*

**BASF**  
*Florham Park, NJ*

**Bavarian Nordic**  
*Washington, DC*

**Bayer CropScience**  
*Morristown, NJ*

**Bayer HealthCare**  
*Morristown, NJ*

**Bi-Level Technologies**  
*Encinitas, CA*

**BIOCOM**  
*San Diego, CA*

**BioForward**  
*Madison, WI*

**BioMarin**  
*Novato, CA*

**Biomerix Corporation**  
*Fremont, CA*

**Biotechnology Industry Organization**  
*Washington, DC*

**BlueCava Inc.**  
*Irvine, CA*

**BP America Inc.**  
*Houston, TX*

**Brain Basket, LLC**  
*Boulder, CO*

**Brainstorm, LLC**  
*Colorado Springs, CO*

**Calibra Medical, Inc.**  
*Redwood City, CA*

**California Healthcare Institute**  
*La Jolla, CA*

**Calypso Medical**  
*Seattle, WA*

**Cardiovascular Systems Inc**  
*Saint Paul, MN*

**Cargill Inc.**  
*Minneapolis, MN*

**Celleration Inc.**  
*Eden Prairie, MN*

**Center for Patent Policy**  
*Washington, DC*

**Ceres**  
*Thousand Oaks, CA*

**Cerevast Therapeutics Inc.**  
*Redmond, WA*

**CHF Solutions Inc.**  
*Brooklyn Park, MN*

**Chimerix Inc.**  
*Durham, NC*

**Columbia Medical Manufacturing  
LLC**  
*Santa Fe Springs, CA*

**Computrol Inc.**  
*Golden, CO*

**Conatus Pharmaceuticals Inc.**  
*San Diego, CA*

**Conceptus Inc.**  
*Mountain View, CA*

**CONNECT**  
*San Diego, CA*

**Cornell University**  
*Ithaca, NY*

**Cornerstone Pharmaceuticals, Inc.**  
*Cranbury, NJ*

**Corning Incorporated**  
*Corning, NY*

**Curo Medical Inc.**  
*Saratoga, CA*

**Cyberonics**  
*Houston, TX*

**Cygnus Broadband**  
*San Diego, CA*

**Delcath Systems Inc.**  
*New York, NY*

**Design Mentor Inc.**  
*Pelham, NH*

**Dolby Laboratories Inc.**  
*San Francisco, CA*

**Dornet.net**  
*Potomac, MD*

**DuPont**  
*Wilmington, DE*

**Dynatronics**  
*Salt Lake City, UT*

**Eagle Harbor Holdings, LLC**  
*Bainbridge Island, WA*

**Eatoni Ergonomic, Inc.**  
*New York, NY*

**Edison Innovations, Inc.**  
*Santa Rosa, CA*

**Eisai Inc.**  
*Teaneck, N.J*

**Element One Inc.**  
*Boulder, CO*

**Eli Lilly and Co.**  
*Indianapolis, IN*

**e-LYNXX Corp.**  
*Chambersburg, PA*

**Emerson Analytics, LLC**  
*Fort Collins, CO*

**EmpowerUs Tools Corp.**  
*Fairport, NY*

**Essentialink.com, LLC**  
*Westminster, CO*

**Essex Woodlands**  
*Palo Alto, CA*

**ExploraMed Development LLC**  
*Mountain View, CA*

**Fallbrook Technologies Inc.**  
*San Diego, CA*

**Financial Healthcare Systems LLC**  
*Greenwood Village, CO*

**First Goal LLC**  
*Severn, MD*

**ForSight Labs LLC**  
*Menlo Park, CA*

**ForSight VISION4 Inc.**  
*Menlo Park, CA*

**Forward Ventures**  
*San Diego, CA*

**Front Range Oil and Gas LLC**  
*Golden, CO*

**GearMax USA Ltd.**  
*Ashland, VA*

**Genentech Inc.**  
*San Francisco, CA*

**Gen-Probe Inc.**  
*San Diego, CA*

**Genzyme Corporation**  
*Cambridge, MA*

**General Compression, Inc.**  
*Newton, MA*

**General Electric Co.**  
*Fairfield, CT*

**General Nanotechnology LLC**  
*Berkeley, CA*

**Geron Corporation**  
*Menlo Park, CA*

**GlaxoSmithKline**  
*Research Triangle Park, NC*

**Global Network Computers Co.**  
*Arlington, VA*

**GlobeImmune, Inc.**  
*Louisville CO*

**Grandis, Inc.**  
*Milpitas, CA*

**GlycoMimetics Inc.**  
*Gaithersburg, MD*

**Greatbatch**  
*Clarence, NY*

**Heritage Woods Inc.**  
*Alto, MI*

**High Peaks Materials LLC**  
*Parker, CO*

**High Plains Well Service LLC**  
*Centennial, CO*

**Human Genome Sciences**  
*Rockville, MD*

**HUNT Dimming**  
*Fort Collins, CO*

**Hydra Biosciences**  
*Cambridge, MA*

**ICE Energy, Inc.**  
*Windsor, Colorado*

**Ideation HQ, LLC**  
*Baltimore, MD*

**Ikaria**  
*Clinton, NJ*

**Illinois Tool Works Inc.**  
*Glenview, IL*

**ImmunoGen Inc.**  
*Waltham, MA*

**Immunologix, Inc.**  
*Charleston, SC*

**Inovadeas LLLP**  
*Fort Collins, CO*

**Inovio Pharmaceuticals Inc.**  
*Blue Bell, PA*

**InterDigital Communications LLC**  
*King of Prussia, PA*

**International Heart Institute of Montana**  
*Missoula, MT*

**InventorEd.org**  
*Grand Blanc, MI*

**IP Checkups, Inc.**  
*Berkeley, CA*

**Isis Pharmaceuticals Inc.**  
*Carlsbad, CA*

**JBS Brainex, LLC**  
*Colorado Springs, CO*

**Johnson & Johnson**  
*New Brunswick, NJ*

**JSTranex, LLC**  
*Colorado Springs, CO*

**KB Visions, Inc.**  
*Palm Coast, FL*

**Keeton Industries**  
*Wellington, CO*

**Kolltan Pharmaceuticals Inc.**  
*New Haven, CT*

**L&T Riser LLC**  
*Parker, CO*

**LAAx Inc.**  
*Livermore, CA*

**Lateral Reservoir Stimulation LLC**  
*Centennial, CO*

**Lauder Partners, LLC**  
*Atherton, CA*

**LED Up Enterprises, Inc.**  
*Agoura Hills, CA*

**Liberty Research Co.**  
*Gonic, NH*

**Life Technologies**  
*Carlsbad, CA*

**LifeScience Alley**  
*St. Louis Park, MN*

**LigoCyte Pharmaceuticals Inc.**  
*Bozeman, MT*

**Liquid Piston, Inc.**  
*Bloomfield, CT*

**LiquidBreaker, LLC**  
*Carlsbad, CA*

**LiquiLock LLC**  
*Arvada, CO*

**Luminous Medical Inc.**  
*Carlsbad, CA*

**Magsil Corp.**  
*Santa Clara, CA*

**MannKind Corp.**  
*Valencia, CA*

**Mardil Medical Inc.**  
*Orono, MN*

**Marketcore, Inc.**  
*Westport CT*

**Massachusetts Medical Device  
Industry Council (MassMEDIC)**  
*Boston, MA*

**Medical Device Manufacturers  
Association (MDMA)**  
*Washington, DC*

**MedTech**  
*Syracuse, NY*

**MedVenture Associates**  
*Emeryville, CA*

**Merck & Co Inc.**  
*Whitehouse Station, NJ*

**Merial**  
*Duluth, GA*

**Metabolex, Inc.**  
*Hayward, CA*

**MichBIO**  
*Ann Arbor, MI*

**Momenta Pharmaceuticals Inc.**  
*Cambridge, MA*

**Morfin Corp.**  
*Waldorf, MD*

**Monsanto**  
*St. Louis, MO*

**Mountain View Pharmaceuticals, Inc.**  
*Menlo Park, CA*

**Nanosys, Inc.,**  
*Palo Alto, CA*

**Nantero**  
*Pittsburgh, PA*

**NeoTract® Inc.**  
*Pleasanton, CA*

**Neovista Inc.**  
*Newark, CA*

**Neuro Resource Group Inc.**  
*Plano, TX*

**Neuronetics Inc.**  
*Malvern, PA*

**NeuroPace Inc.**  
*Mountain View, CA*

**New Mexico Optics Industry  
Association**  
*Albuquerque, NM*

**New Zealand Australian Co.**  
*San Clemente, CA*

**Norris Capital Inc.**  
*Hanson, MA*

**North Carolina Biosciences  
Organization**  
*Research Triangle Park, NC*

**Novo Nordisk Inc.**  
*Princeton, NJ*

**OncoMed Pharmaceuticals Inc.**  
*Redwood City, CA*

**OnLive, Inc.**  
*Palo Alto, CA*

**OoOT (Out-of-Order Techniques)**  
*Raleigh, NC*

**OptiMark, Inc.**  
*Jersey City, NJ*

**Optimum Performance Solutions LLC,  
dba AcuityZ**  
*Topeka, KS*

**Oyster Optics, Inc.**  
*Melbourne, FL*

**Paisano Industries, L.P.**  
*Austin, TX*

**Paracor Medical Inc.**  
*Sunnyvale, CA*

**ParkerVision Inc.**  
*Jacksonville, FL*

**PE Fusion**  
*Fort Collins, CO*

**Pfizer Inc.**  
*New York, NY*

**PH2 Solutions, Inc.**  
*West Orange, NJ*

**PhotonEdge Inc.,**  
*Pleasanton, CA*

**PhRMA**  
*Washington, DC*

**Pioneer Hi-Bred**  
*Johnston, IA*

**Pivot Medical Inc.**  
*Sunnyvale, CA*

**POMOCO LLC**  
*Centennial, CO*

**PopPack LLC**  
*San Francisco, CA*

**Portaero Inc.**  
*Cupertino, CA*

**Procter & Gamble**  
*Cincinnati, OH*

**Professional Inventors Alliance**  
*Washington, DC*

**PTC Therapeutics**  
*South Plainfield, NJ*

**Purdue Pharma L.P.**  
*Stamford CT*

**R R Enterprises, Inc.**  
*Grand Blanc MI*

**Rambus, Inc.**  
*Los Altos, CA*

**Rearden LLC**  
*San Francisco, CA*

**Research Corporation Technologies**  
*Tucson, AZ*

**ResMed Corporation**  
*San Diego, CA*

**Revivicor Inc.**  
*Blacksburg, VA*

**Roche (Hoffmann-La Roche Inc.)**  
*San Francisco, CA*

**Sanofi-Aventis US**  
*Bridgewater, NJ*

**Silere Medical Technology Inc.**  
*Kirkland, WA*

**SIPCO, LLC**  
*Atlanta, GA*

**SoftRay Inc.**  
*Laramie, WY*

**Solar Hydrogen Energy Co.**  
*La Mesa, CA*

**Soleon Robotics LLC**  
*Annandale, VA*

**SoSound Solutions LLC**  
*Louisville, CO*

**Soverain Software LLC**  
*Chicago, IL*

**Spiracur Inc.**  
*Sunnyvale, CA*

**St. Clair Intellectual Property  
Consultants, Inc.**  
*Grosse Pointe, MI*

**STC.UNM**  
*Albuquerque, NM*

**SuturePro Technologies Inc.**  
*Menlo Park, CA*

**SuVolta, Inc.**  
*Los Gatos, CA*

**Swan Valley Medical Inc.**  
*Bigfork, MT*

**Sysdyne Corporation**  
*Minneapolis, MN*

**Tactile Systems Technology Inc.**  
*Minneapolis, MN*

**Tarsus Medical Inc.**  
*Mountain View, CA*

**Tegracore LLC**  
*Ft. Collins, CO*

**TeleMed/RLIS, Inc.**  
*San Antonio, TX*

**Temple Construction**  
*Fort Collins, CO*

**Terra Moya Aqua Inc.**  
*Cheyenne, WY*

**Tessera Inc.**  
*San Jose, CA*

**Tethys Bioscience Inc.**  
*Emeryville, CA*

**Textura Corp.**  
*Deerfield, IL*

**The Foundry LLC**  
*Menlo Park, CA*

**The Health Industry Council**  
*Irving, TX*

**The Innovation Factory**  
*Duluth, GA*

**The Regents of the University of California**  
*Oakland, CA*

**The Stella Group Ltd.**  
*Washington, DC*

**Thunder Basin Environmental  
Consulting Inc.**  
*Buffalo, WY*

**TI Funding Group**  
*New York NY*

**TiVo Inc.**  
*Alviso, CA*

**Tranex, Inc.**  
*Colorado Springs, CO*

**TYRX Inc.**  
*Monmouth Junction, NJ*

**Unicover Corporation**  
*Cheyenne, WY*

**Uniloc USA Inc.**  
*Irvine, CA*

**University of Kentucky**  
*Lexington, KY*

**Urovalve Inc.**  
*Newark, NJ*

**US Business and Industry Council**  
*Washington, DC*

**US Renewables Group**  
*Santa Monica, CA*

**USG Corporation**  
*Chicago, IL*

**Valeritas Inc.**  
*Bridgewater, NJ*

**Variant, Inc.**  
*St. Louis, MO*

**Vehicle Enhancement Systems, Inc.**  
*Rock Hill, SC*

**Ventus Medical Inc.**  
*Belmont, CA*

**Versata Software, Inc.**  
*Austin, TX*

**Vertex Pharmaceuticals**  
*Cambridge, MA*

**Vibrynt Inc.**  
*Redwood City, CA*

**VirnetX Holding Corp.**  
*Scotts Valley, CA*

**Viryd Technologies, Inc.**  
*Austin, TX*

**VisionCare Ophthalmic Technologies**  
*Saratoga, CA*

**Volterra Semiconductor Corporation**  
*Fremont, CA*

**Walker Manufacturing Company**  
*Fort Collins, CO*

**Washington Biotechnology &  
Biomedical Association**  
*Seattle, WA*

**Wellington Operating Company**  
*Centennial, CO*

**Wellington Water Works LLC**  
*Centennial, CO*

**Wisconsin Alumni Research  
Foundation**  
*Madison, WI*

**Wolf Robotics, LLC**  
*Fort Collins, CO*

**XOMA LLC**  
*Berkeley, CA*

**Xpert Innovations, Inc.**  
*Stafford, VA*

**ZOLL Medical Corporation**  
*Chelmsford, MA*

**ZuumCraft, Inc.**  
*San Diego, CA*