



James C. Greenwood
President & CEO

April 1, 2009

The Honorable Patrick J. Leahy
SR-433
United States Senate
Washington DC 20510

The Honorable Arlen Specter
SH-711
United States Senate
Washington, DC 20510

The Honorable Dianne Feinstein
SH-331
United States Senate
Washington, DC 20510

Dear Chairman Leahy, Ranking Republican Specter, and Senator Feinstein:

On behalf of the Biotechnology Industry Organization (BIO), I am writing to indicate our support for your amendment to the Patent Reform Act of 2009. This amendment would replace the current language on damages pertaining to the calculation of a reasonable royalty and replace it with a "gatekeeper" approach. Additionally, and among other things, the amendment would strike "in public use or on sale" in the *inter partes* reexamination provision. BIO believes both of these changes will greatly improve the underlying legislation. We commend you for your leadership, and we are optimistic that we will now see meaningful patent reform in this Congress that preserves the incentives necessary to sustain America's global leadership in innovation and spurs the creation of high-wage, high-value jobs in our nation's innovation economy.

The biotechnology industry has developed and commercialized more than 300 drugs and diagnostics that are helping more than 325 million people worldwide and another 400 or so products are in the pipeline. The industry also is leading the way in developing advanced biofuels and other technologies that will help reduce our nation's dependence on foreign oil and fossil fuels. All of this innovation is based in the strength and predictability provided by our nation's patent system. Meaningful reform will continue to promote these breakthrough innovations and help drive economic growth at a time when it is greatly needed.

Sincerely,

A handwritten signature in black ink that reads "Jim Greenwood". The signature is fluid and cursive, with a large loop at the beginning.

James C. Greenwood
President and CEO