



July 9, 2014

The Honorable Lee Terry
U.S. House of Representatives
2266 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Terry:

I am writing on behalf of Intellectual Property Owners Association (IPO) to offer our support of the draft "Targeting Rogue and Opaque Letters Act of 2014." IPO is a trade association representing companies and individuals in all industries and fields of technology who own, or are interested in, intellectual property rights. IPO's membership includes more than 200 companies and more than 12,500 individuals who are involved in the association either through their companies or as inventor, author, law firm, or attorney members.

In March of this year, the IPO Board of Directors adopted a resolution supporting legislation that would make the high volume sending of bad faith demand letters, to end users who are not resellers, a deceptive act or practice within the meaning of section 5(a)(1) of the Federal Trade Commission Act, provided that such legislation is carefully tailored to differentiate between abusive activity and legitimate, lawful activity. Such legislation should include a clear identification of objective acts or practices that would deceive recipients, such as false statements of patent ownership or the right to enforce or license patents. We would oppose legislation that would require overly burdensome and detailed disclosures in bad faith demand letters, for example, of information that could trigger declaratory judgment jurisdiction or the disclosure of confidential information, which could have the unintended result of increasing patent infringement litigation. Finally, IPO believes that federal legislation regulating bad faith demand letters should preempt state legislation.

The draft bill published earlier this week seems to meet all of our criteria. We appreciate the efforts of the Commerce, Manufacturing, and Trade Subcommittee to address increasingly widespread, abusive behavior. We would be happy to discuss our position with you in more detail.

Sincerely,

Herbert C. Wamsley
Executive Director

President

Philip S. Johnson
Johnson & Johnson

Vice President

Carl B. Horton
General Electric Co.

Treasurer

Lisa Jorgenson
STMicroelectronics, Inc.

Directors

Edward Blocker
Koninklijke Philips N.V.
Tina M. Chappell
Intel Corp.
William J. Coughlin
Ford Global Technologies LLC

Robert DeBerardine
Sanofi-Aventis
Anthony DiBartolomeo
SAP AG

Louis Foreman

Enventys

Scott M. Frank

AT&T

Darryl P. Frickey

Dow Chemical Co.

Roger Gobrogge

Rolls-Royce Corp.

Krish Gupta

EMC Corporation

Horacio Gutierrez

Microsoft Corp.

Henry Hadad

Bristol-Myers Squibb Co.

Jennifer Hall

Mars Incorporated

Michael Jaro

Medtronic, Inc.

Charles M. Kinzig

GlaxoSmithKline

Christopher H. Kirkman

The Travelers Companies, Inc.

David J. Koris

Shell International B.V.

Peter Lee

Thermo Fisher Scientific Inc.

Allen Lo

Google Inc.

Timothy F. Loomis

Qualcomm, Inc.

Thomas P. McBride

Monsanto Co.

Steven W. Miller

Procter & Gamble Co.

Douglas K. Norman

Eli Lilly and Co.

Elizabeth A. O'Brien

Covidien

Salvatore Pace

Praxair, Inc.

Richard F. Phillips

Exxon Mobil Corp.

Dana Rao

Adobe Systems Inc.

Kevin H. Rhodes

3M Innovative Properties Co.

Mark L. Rodgers

Air Products & Chemicals, Inc.

Curtis Rose

Hewlett-Packard Co.

Matthew Sarboraria

Oracle USA, Inc.

Manny Schecter

IBM, Corp.

Steven Shapiro

Pitney Bowes Inc.

Dennis C. Skarvan

Caterpillar Inc.

Russ Slifer

Micron Technology, Inc.

Terri H. Smith

Motorola Solutions, Inc.

Daniel J. Staudt

Siemens Corp.

Brian K. Stierwalt

ConocoPhillips

Thierry Sueur

Air Liquide

Brian R. Suffredini

United Technologies, Corp.

James J. Trussell

BP America, Inc.

Roy Waldron

Pfizer, Inc.

Michael Walker

DuPont

BJ Watrous

Apple Inc.

Stuart Watt

Amgen, Inc.

Jon D. Wood

Bridgestone Americas

Holding Co.

Mike Young

Roche Inc.

General Counsel

Michael D. Nolan

Milbank Tweed

Executive Director

Herbert C. Wamsley