

EAGLE FORUM

Leading the Pro-Family Movement Since 1972

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July 9, 2014

The Honorable Lee Terry
Chairman
Commerce, Manufacturing, and Trade
Subcommittee
Energy & Commerce Committee
United States House of Representatives
Washington, DC 20515

The Honorable Jan Schakowsky
Ranking Member
Commerce, Manufacturing, and Trade
Subcommittee
Energy & Commerce Committee
United States House of Representatives
Washington, DC 20515

Dear Representatives Terry and Schakowsky:

Eagle Forum writes to commend the deliberative effort behind the Targeting Rogue and Opaque Letters Act. We have no commercial interest in patents or demand letters; however, Eagle Forum has a strong principled interest in protecting America's constitutionally grounded intellectual property rights and justice for small businesses.

The TROL Act appears to strike a reasonable balance between curbing abusive practices involving demand letters and preserving the ability to defend patents through written communications with suspected patent infringers. Eagle Forum's primary concern is the ability of independent inventors to exercise their constitutionally guaranteed private property rights in their discoveries. We also favor relief of small mom-and-pop businesses from the abusive use of demand letters making false and misleading claims of patent infringement by components of off-the-shelf goods.

This legislation seems not to devalue patents or deprive patent owners of the ability to take action against infringers. This is critically important if American innovation is to thrive. Instead, the legislation would appropriately target conduct done in bad faith. The TROL Act brings to bear the Federal Trade Commission's existing authorities to go after unfair or deceptive practices in patent demand letters. Because it applies to assertions of patents, an enumerated federal matter, the preemption of states is appropriate here.

No bill is perfect, and we may suggest certain refinements as we continue to assess the language. On balance, however, the TROL Act approach is superior to other so-called patent reform legislation. Eagle Forum looks forward to working with the committee throughout this process.

Faithfully,



President