



April 30, 2010

The Honorable Richard Lugar
United States Senate
Washington, DC 20510

Dear Senator Lugar,

On behalf of the more than 60 manufacturing and related business members of the Indiana Medical Device Manufacturer Council (IMDMC), we request your support on the recently announced Managers' Amendment to S. 515, the Patent Reform Act of 2009, developed by Judiciary Chairman Patrick Leahy, Ranking Member Jeff Sessions, and others. We urge you to cosponsor this bipartisan compromise and encourage the Senate leadership to schedule floor time as soon as possible for this pro-innovation, pro-jobs legislation.

As you know, the medical device industry is vitally important to Indiana's economy, providing high-quality and high-paying jobs for approximately 18,500 employees. While other industries in Indiana have shrunk, the innovation oriented device industry has created 4,500 jobs throughout the state since 2001.

We are pleased that even after S.515 was reported on a broad bipartisan vote by the Senate Judiciary Committee in April of last year, the legislation has been further refined and improved through a series of meetings convened by Senators Leahy and Sessions and their staffs, joining with a broad array of key stakeholders in the patent system, including the Patent and Trademark Office. The resulting Managers' Amendment reflects a fair and careful balance among the many users and competing interests that operate within the patent system. The Leahy-Sessions Managers' Amendment establishes a simpler, transparent patent system, creates new post-grant review procedures for issued patents, strengthens the capabilities of the Patent and Trademark Office, brings more balance and predictability to patent infringement litigation, and moves the USA patent system into greater harmony with the rest of the world.

This new compromise legislation has gained broad support both nationally and within Indiana. For example, Indiana University and a coalition of six leading university organizations have expressed their support. As stated by the university coalition:

We believe that this bipartisan agreement, the latest step in over five years of deliberations in Congress, represents the successful culmination of a thorough balanced effort to update the nation's patent system to support more effectively the nation's innovative capacity in the increasingly competitive global environment of the 21st century.

The Leahy-Sessions Managers' Amendment is further supported by the U.S. Department of Commerce and many private sector firms, including the Biotechnology Industry Organization, AdvaMed and the Coalition for 21st Century Patent Reform. This latter Coalition represents a cross-sector group of over forty of America's

IMDMC Board Member Companies

*Anson Group, Baker & Daniels, Bayer Diabetes Care, Biomet Inc., Cook Inc., DePuy Orthopaedics,
Eli Lilly and Company, Hill Rom, Inc., Johnson & Johnson Inc., Medtronic Inc., Roche Diagnostics Corp., Zimmer Inc.*

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leading innovator companies including such Indiana companies as Eli Lilly and Company, Boston Scientific, Zimmer Inc., Cummins, Inc., Medtronic, Inc., Siemens Healthcare Diagnostics and others. As the 21st Century Coalition assesses:

The best way to strengthen our economy and create new jobs is to continue America's leadership in innovation and invention. New technologies that spur growth and create employment are all secured through our patent system... The Managers' Amendment is the result of diligent consensus building between the parties, industry groups, universities, and independent entrepreneurs that will result in real improvements to the patent system.

We believe that the Managers' Amendment to S.515 makes a series of constructive changes to the patent system that will preserve and promote innovation and jobs across Indiana and other states. We ask you to fully support this legislation and work with us, and other Members of Congress, to achieve expeditious passage of this bill. Thank you for your consideration. Please contact us with questions or if you need additional information.

Sincerely,



Danelle Miller, President
Indiana Medical Device Manufacturers Council

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