



---

**Illinois Manufacturers' Association**

November 19, 2007

Honorable Barack Obama  
United States Senator  
230 S. Dearborn  
Suite 3900  
Chicago IL 60604

Dear Senator Obama:

On behalf the Illinois Manufacturers' Association (IMA) and our nearly 4,000 member companies in the state of Illinois, I write to express our concern with the Patent Reform Act of 2007 (S. 1145). This legislation could soon come before the full Senate for a vote. While we support patent system reform, we fear the long-term impact this proposal would bring to manufacturing, an industry that holds more than 60 percent of patents granted in the United States.

Manufacturing directly employs nearly 675,000 workers in this state and contributes 13 percent of the state's Gross Domestic Product. A significant factor in their success is the preservation of strong patent protections.

Several provisions in the legislation passed by the Senate Judiciary Committee would have negative consequences for our membership. Specifically:

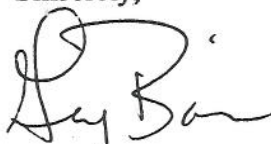
1. The proposals to determine the apportionment of damages will devalue many patents. The current proposal to subtract "the economic value of the prior art" is fraught with difficulty.
2. Developing a new method to challenge patents after they are awarded will create unpredictability in the patent process. Allowing "second window" challenges long after patents are awarded would depend on stale evidence and lack the full benefits of discovery and cross-examination of witnesses.
3. Use of inequitable conduct as a defense to patent infringement will add significant costs to companies. Extensive time and effort will be needed to prepare documentation to protect against this.

**As such, the Illinois Manufacturers' Association opposes S. 1145 in its current form and respectfully encourages your opposition.**

Patent reform legislation should strengthen both the U.S. patent system and our economy. We think this can be achieved, but the current proposal falls short of this goal. We hope the Senate will take into consideration the serious consequences of such a proposal on manufacturers and work to improve the proposal before bringing this legislation to a vote.

Thank you for your consideration. We look forward to working with your staff as needed to provide perspective on how this important legislation will impact Illinois manufacturers.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory W. Baise". The signature is fluid and cursive, with a large initial "G" and "B".

Gregory W. Baise  
President & CEO



---

## Illinois Manufacturers' Association

November 19, 2007

Honorable Richard J. Durbin  
United States Senator  
525 S. Eight Street  
Springfield IL 62703

Dear Senator Durbin:

On behalf the Illinois Manufacturers' Association (IMA) and our nearly 4,000 member companies in the state of Illinois, I write to express our concern with the Patent Reform Act of 2007 (S. 1145). This legislation could soon come before the full Senate for a vote. While we support patent system reform, we fear the long-term impact this proposal would bring to manufacturing, an industry that holds more than 60 percent of patents granted in the United States.

Manufacturing directly employs nearly 675,000 workers in this state and contributes 13 percent of the state's Gross Domestic Product. A significant factor in their success is the preservation of strong patent protections.

Several provisions in the legislation passed by the Senate Judiciary Committee would have negative consequences for our membership. Specifically:

1. The proposals to determine the apportionment of damages will devalue many patents. The current proposal to subtract "the economic value of the prior art" is fraught with difficulty.
2. Developing a new method to challenge patents after they are awarded will create unpredictability in the patent process. Allowing "second window" challenges long after patents are awarded would depend on stale evidence and lack the full benefits of discovery and cross-examination of witnesses.
3. Use of inequitable conduct as a defense to patent infringement will add significant costs to companies. Extensive time and effort will be needed to prepare documentation to protect against this.

**As such, the Illinois Manufacturers' Association opposes S. 1145 in its current form and respectfully encourages your opposition.**

Patent reform legislation should strengthen both the U.S. patent system and our economy. We think this can be achieved, but the current proposal falls short of this goal. We hope the Senate will take into consideration the serious consequences of such a proposal on manufacturers and work to improve the proposal before bringing this legislation to a vote.

Thank you for your consideration. We look forward to working with your staff as needed to provide perspective on how this important legislation will impact Illinois manufacturers.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory W. Baise', with a long horizontal flourish extending to the right.

Gregory W. Baise  
President & CEO