

March 25, 2009

The Honorable Patrick Leahy
United States Senate
Washington, DC 20510

Dear Chairman Leahy:

We the undersigned organizations represent patients, families, physicians and communities addressing devastating diseases and urgent health care needs. It is our understanding that your Committee is undertaking major legislative reform of the current patent laws that will have a direct impact on the development of new diagnostics, therapeutics and treatments for those we represent.

Our message is simple – whatever you do, you must protect the development of these products in order to improve and hopefully save the lives of hundreds of thousands of Americans.

We know the pipeline for new products starts with the research and patents from universities and small companies. Without patents, most innovative ideas would be just that – ideas. Patents are the drivers of investment which turn these ideas into products. Whether a company licenses patents from a university, or develops its own, the value of the patents is what allows them to attract funding, especially in the early stages.

If a patent's value can be diminished, or a patent can be challenged on a broad range of grounds, at any time during the long process of product development – or even if a patent can be perceived to be weak and at risk the closer the research gets to a product – we know investors will back away. With small companies accounting for two-thirds of the future clinical pipeline, we know you will share our concern that patent reform does not have the unintended consequence of drying up a huge portion of potential products and our greatest hope for better treatments and interventions.

Frankly there are enormous risks in diagnostic and therapeutic developments now that make it an uncertain investment. Increasingly nonprofit organizations are trying to find ways to drive more money into the early stages of translational research, proof of concept and even the earliest phases of clinical trials.

Your committee is moving quickly on major patent reforms. You are clearly trying to address important public policy issues. We appreciate your efforts and hope that you hear our voices as you deliberate and ensure that whatever actions you undertake do not unduly undermine the development of the life-saving products we so desperately in need.

Sincerely,

AA CSA Foundation
Alliance for Aging Research

Alpha-1 Foundation
American Association for Respiratory Care
American Autoimmune Related Diseases Association
Association of Jewish Aging Services of North America
CANN - Community Access National Network
Celiac Disease Center at Columbia University
Children's Cause for Cancer Advocacy
Children's Tumor Foundation
Colon Cancer Alliance
Community Health Charities of America
Cornell University
Cystic Fibrosis Foundation
Foundation for Sarcoidosis Research
International Cancer Advocacy Network (ICAN)
Kidney Cancer Association
Men's Health Network
Muscular Dystrophy Association
National Alopecia Areata Foundation
National Spinal Cord Injury Association
Parkinson's Action Network
RetireSafe
SAVE (Suicide Awareness Voices of Education)
Spina Bifida Association
Stony Brook University
The ALS Association
The Alzheimer's Drug Discovery Foundation
University at Buffalo
Vital Options International

cc: The Honorable Arlen Specter
Members, United State Senate Committee on the Judiciary