



January 21, 2004

The Honorable James F. Sensenbrenner Jr.
Chairman
House Judiciary Committee
U.S. House of Representatives
Washington, D.C. 20515

The Honorable John Conyers, Jr.
Ranking Member
House Judiciary Committee
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Lamar Smith
Chairman
Subcommittee on Courts, the Internet and IP
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Howard L. Berman
Ranking Member
Subcommittee on Courts, the Internet and IP
U.S. House of Representatives
Washington, D.C. 20515

Re: H.R. 2391

Dear Representatives:

The Biotechnology Industry Organization (BIO) supports the House Judiciary Committee's efforts to encourage collaborative research among scientists located at more than one organization. BIO represents over 1,100 companies, universities, research institutions and other organizations engaged in cutting-edge research that provide innovative medicines, agricultural and environmental products to millions of people worldwide. The majority of our members routinely engage in collaborative research and we believe that encouraging collaborative research will greatly enhance the ability of the biotechnology industry to develop life-saving and life-enhancing products.

BIO applauds the goals of H.R. 2391, the Cooperative Research and Technology Enhancement (CREATE) Act of 2004, which will encourage collaborative research among scientists and stimulate innovation in the biotechnology industry. While we share the goals of H.R. 2391, a number of our members continue to express concerns about the retroactive effects of the legislation. The retroactive effects of earlier versions of the legislation had the

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potential to disrupt the settled expectations of those who have made substantial investments, and entered into various agreements, based on existing law. These concerns are to a large extent ameliorated by the provision in the substitute that limits the bill's provisions only to patents granted on or after the date of enactment of the proposed legislation. BIO is supportive of these changes and looks forward to continuing discussions with the Committee on the retroactivity issue.

We commend this Committee for considering this legislation and appreciate the opportunity to present our views on the bill's provisions.

As always, my staff is available to answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl B. Feldbaum". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carl B. Feldbaum
President
Biotechnology Industry Organization

CBF:mar