

April 8, 2008

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Republican Leader
United States Senate
Washington, D.C. 20510

Dear Majority Leader Reid and Republican Leader McConnell:

The patent reform debate has been perceived largely as a fight between the high-tech and pharmaceutical industries. However, the imbalances in the current system adversely affect a wide range of industries and businesses. For this reason, the undersigned organizations that represent agricultural and rural groups across the nation wish to express our strong support for S. 1145, the Patent Reform Act of 2007, and urge the bill be scheduled for floor action without delay.

Currently, agricultural producers are vulnerable to unwarranted patent litigation by those looking to exploit these imbalances. As a result, our producers are forced to spend thousands of their hard-earned dollars on litigation due to actions often beyond their control and in courts far away from their farms. Patent reform is critical in order to protect our nation's producers from these needless abuses and S. 1145 helps level the playing field for producers defending themselves against dubious claims of patent infringement.

For instance, producers have been struggling for years against lawsuits, or threat of lawsuits claiming they willfully infringed on the patents of technology enhanced hybrids -- Genetically Modified Organisms (GMO). These allegations are specious considering that pollen can drift in the wind or be carried by pollinating insects, such as bees, for many miles under certain circumstances, making it impossible for an individual producer to obstruct or control. Accordingly, these producers should not be accused of "willfully" infringing on the patent of seeds that naturally cross pollinated into their fields, something that is happening under the current system. If passed, S. 1145 would assess the standard for awarding multiple damages based on "willfulness" to stop plaintiffs from using the threat of treble damages to coerce settlements in abusive cases.

Moreover, under current law, plaintiffs in these cases are allowed to select venues, which often require producers to travel to a court that can be far away and often biased towards the plaintiff. The high-cost for such travel expenses further strains producers often already stretched budgets. If passed, S. 1145 would restore a fair and balanced approach for both plaintiffs and defendants.

Producers are very much an unwitting stakeholder in the patent reform debate. The farm community is genuinely concerned about this issue and strongly supports patent reform. We encourage your support of the S. 1145 and its consideration for floor action.

Sincerely,

American Agriculture Movement, Inc.
American Corn Growers Association
California Certified Organic Farmers
Californians for GE-Free Agriculture
California Institute for Rural Studies
Dakota Resource Council
Farmer to Farmer Campaign on Genetic Engineering
Genetic Engineering Policy Project
Land Stewardship Project

Institute for Agriculture & Trade Policy
Kansas Rural Center
National Assoc. of Farmer Elected Committees
National Family Farm Coalition
National Grange
Organic Farming Research Foundation
The Cornucopia Institute
Western Organization of Resource Councils
Women Involved in Farm Economics