Dear Chairman Grassley, Ranking Member Leahy, Chairman Goodlatte, and Ranking Member Conyers:

As members of the life sciences venture capital community, we share grave concerns about H.R. 9, the so-called Innovation Act, because it does not do enough to protect the rights of patent-reliant businesses. Collectively, our venture firms represent approximately $75 billion of investment, and have created and financed innovative biotechnology companies collectively valued in the hundreds of billions of dollars.

A reliable and predictable patent system is a significant factor in our development of an investment thesis around a given company or product pipeline, which ultimately guides our decision about where to allocate capital. Perhaps in no other industry is the examination of intellectual property more critical than the biopharmaceutical industry. Most life sciences companies are initially supported by the venture capital community, which helps provide the significant level of funding necessary to innovate and develop new cures and treatments for serious diseases. Without a fair and predictable patent system, investors will not be willing to allocate their resources in expensive and risky biotechnology projects, cutting off the funding necessary to bring a new medicine or treatment to market.

This is why the new administrative patent challenge system known as Inter Partes Review, or IPR, has caused such alarm among our communities. Since the implementation of this process, we have seen a grim situation in which companies are forced into a system where their patents are judged by a new set of rules under which there is no presumption of validity and they can be invalidated far more easily than in a court of law. Indeed, some patents that already have been affirmed by the district courts are being invalidated by IPR. Other patents are being challenged in IPR by hedge funds seeking to manipulate the stocks of small patent-dependent businesses, which are particularly vulnerable to such abuse. IPR is distracting the time and resources of these companies away from focusing on developing their clinical pipelines.

Simply put, the injection of this type of uncertainty into the patent system puts in doubt the future funding of new breakthrough cures and treatments. That is why over 100 different patient advocacy groups have urged Congress to fix this flaw in the patent system. They understand that no matter how groundbreaking an innovation may be, without the guarantee of a strong patent, the risk cannot be justified and therefore the promise will never be fulfilled.

Congress has an opportunity to address the problems in IPR in its consideration of patent reform. Yet so far in the legislative process, it has failed to adequately do so. Ironically, there is a system for patent challenges in the biopharmaceutical sector that has existed for more than 30 years and has worked well – both incentivizing new innovations to address unmet medical needs, while also speeding lower-cost generic drugs to market after a reasonable and predictable period of time. Congress should prevent IPR from undermining this balanced system, which has served patients so well.
Accordingly, if these IPR concerns are not addressed, we urge a NO vote on any patent reform bill brought up for a vote in Congress.

Aisling Capital  
Dennis Purcell – Senior Managing Partner

Alexandria Real Estate Equities and Venture Investments  
Joel Marcus – Chairman & CEO

ARCH Venture Partners  
Steven Gillis, PhD – Managing Director  
Robert Nelsen – Managing Director

Atlas Venture  
Peter Barrett, PhD - Partner  
Bruce Booth, DPhil - Partner  
Jean-Francois Formela, MD - Partner  
David Grayzel, MD - Partner  
Jason Rhodes - Partner

Canaan Partners  
Brent Ahrens – General Partner  
Stephen Bloch – General Partner  
Peter Farina, PhD – Executive in Residence  
Wende Hutton – General Partner  
Tim Shannon – General Partner

Clarus Partners  
Nick Galakatos, PhD – Managing Director  
Dennis Henner, PhD – Managing Director  
Rob Liptak – Managing Director  
Scott Requadt – Managing Director  
Nick Simon – Managing Director  
Kurt Wheeler – Managing Director

Deerfield Management  
Jonathan Leff - Partner  
Bill Slattery - Partner

Delphi Management  
Deepa Pakianathan, PhD – Managing Member

Domain Associates  
James Blair - Partner  
Brian Dovey - Partner  
Brian Halak - Partner  
Kim Kamdar – Partner  
Debra Liebert – Managing Director  
Dennis Podlesak - Partner  
Nim Shah – Partner  
Jesse Treu - Partner  
Nicole Vitullo - Partner  
Eckard Weber - Partner

Flagship Ventures  
Noubar Afeyan, PhD – Senior Managing Partner & CEO  
Doug Cole, MD – Managing Partner

Interwest Partners  
Doug Fisher – Executive in Residence  
Nina Kjellson – General Partner  
Gil Kliman, MD – General Partner  
Arnold Oronsky, PhD – General Partner

Kleiner Perkins Caufield & Byers  
Brook Byers – Partner

Longwood Fund  
Christoph Westphal, MD, PhD - Partner

MPM Capital  
Ansbert Gadicke, MD – Managing Director  
Luke Evnin, PhD – Managing Director  
Todd Foley – Managing Director  
Jim Scopa – Managing Director

New Leaf Venture Partners  
Philippe Chambon, MD, PhD – Managing Director
Orbimed Advisors  
Jonathan Silverstein – General Partner  

Polaris Partners  
Brian Chee – Managing Partner  
Amir Nashat – Managing Partner  
Terry McGuire – Founding Partner  

Royalty Pharma  
Pablo Legoretta – CEO  

Sofinnova Ventures  
James Healy – President and General Partner  
Mike Powell – General Partner  
Srinivas Akkaraju – General Partner  
Anand Mehra – General Partner  

Third Rock Ventures  
Alexis Borisy – Partner  
Neil Exter - Partner  
Kevin Gillis - Partner  
Mark Levin - Partner  
Craig Muir - Partner  
Cary Pfeffer, MD - Partner  
Kevin Starr - Partner  
Robert Tepper, MD - Partner  

TPG Biotech  
Heather Preston, MD – Partner & Managing Director  

Vivo Capital  
Chen Yu, MD – Managing Partner  

cc: Members, Senate Committee on the Judiciary  

cc: Members, House Committee on the Judiciary