

JARED POLIS
2ND DISTRICT, COLORADO

1433 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0602
(202) 225-2161
(202) 226-7840 (FAX)

website and email:
<http://polis.house.gov>



Congress of the United States
House of Representatives

May 19, 2014

PARLIAMENTARIAN OF THE WHIP

COMMITTEE ON
EDUCATION AND THE WORKFORCE

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AND SECONDARY EDUCATION
HEALTH, EMPLOYMENT, LABOR,
AND PENSIONS

COMMITTEE ON RULES

STEERING AND POLICY

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Henry Waxman
Ranking Member
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Lee Terry
Chairman
Subcommittee on Commerce, Manufacturing, and Trade
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20510

The Honorable Jan Schakowsky
Ranking Member
Subcommittee on Commerce, Manufacturing, and Trade
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Upton, Ranking Member Waxman, Chairman Terry, and Ranking Member Schakowsky:

I write to respectfully request to testify on May 22, 2014 before the Subcommittee on Commerce, Manufacturing, and Trade's hearing on a bill to enhance federal and state enforcement of fraudulent patent demand letters.

Last November, I introduced H.R. 3540, the bipartisan Demand Letter Transparency Act along with Representatives Thomas Marino and Ted Deutch. Our bill would assist small companies and end users who lack the money, time, and resources to fight demand letters they receive from Patent Assertion Entities (PAEs). Specifically, our bill would require certain entities to provide additional disclosure information to the Patent and Trademark Office (PTO) and to the demand letter recipient, so that these startups will know the identity of the demand letter sender, and whether the claims they are making are truthful. Our bill would also establish a searchable and accessible public registry of demand letters and clarify that the Federal Trade Commission (FTC) could use its authority and impose civil penalties to go after these PAEs. This legislation would empower defendants to take collective action and share information, and increase reporting so regulatory authorities and the PTO are on alert as to which patents are being frivolously asserted.

Before being elected to Congress, I co-founded American Information Systems, as well as bluemountain.com and Proflowers.com. I experienced first-hand the challenges of starting and running small businesses, challenges that are exacerbated by the patent trolls preying on our core job creators. As a former venture capital investor, I am committed to stemming frivolous litigation which drags down our economy and stifles innovation.

I share your goals regarding deterring abusive demand letter practices. I am hopeful that my testimony would help contribute to this timely debate on how to produce a more robust patent market and a more productive, competitive economy.

Sincerely,

Jared Polis
Member of Congress

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