



Leo W. Gerard
International President

February 6, 2007

VIA FAX

Honorable Patrick Leahy, Chairman
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Honorable Arlen Specter, Ranking Member
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senators:

The United Steelworkers (USW) represents over 850,000 members in the paper, forestry products, steel, aluminum, tire and rubber, mining, glass, chemicals, petroleum, and other basic resource industries, as well as health care and service workers. We are the predominant union in the pharmaceutical industry representing 15,000 members in manufacturing, mail-order, and retail pharmacies.

The Steelworkers are a strong advocate for a robust economy based on growth. An important component of sustaining American jobs is a full and fair recognition of the rights of innovators in the form of intellectual property protection, including patents, copyrights and trademarks.

Especially important in preserving the rights of American workers is an intellectual property system that protects against unfair foreign imports. If the American patent system is changed to allow foreign manufacturers to compete with a U.S. manufacturer in a way that other U.S. manufacturers are prohibited from competing, then a perverse incentive would be created that would grow jobs abroad to the detriment of U.S. manufacturing jobs.

We urge you to oppose efforts to change U.S. patent law in any way that would treat (at the International Trade Commission) foreign infringers more favorably than we treat (in court) domestic manufacturers who infringe. This would simply exacerbate our imbalance of trade. Our economy would suffer and American jobs would be lost.

Congress has been asked by at least one foreign pharmaceutical manufacturer to weaken American process patent protection (Roll Call, March 20, 2006) at the ITC. We oppose this foreign manufacturer's efforts to weaken the ability of the ITC to enforce fair trade laws. As you consider broader patent reform, please keep any changes to 35 USC 271(g) out of any introduced patent reform bill, and please oppose any amendments that seek to add this language to any bill.

Much like the university community and others in the private sector, we firmly support current law, which enables the ITC to guard against unfair trade. The U.S. Congress should not change patent or trade law in such a way that domestic manufacturing jobs would be threatened by unfair foreign competitors whose actions would have been prohibited as infringement if they had been done in the U.S.

Sincerely,

A handwritten signature in black ink, appearing to read "Leo W. Gerard". The signature is written in a cursive style with a large initial "L" and "G".

Leo W. Gerard
International President

LWG/pak