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January 27, 2006

The Honorable Jon W. Dudas
Under Secretary for Intellectual Property and
Director of the United States Patent and Trademark Office
Alexandria , VA 22313

Dear Mr. Dudas:

Substantial controversy has surrounded patents held by NTP, Inc., particularly since the technology covered by those patents is also used by Research In Motion, Ltd. (RIM) to provide BlackBerry service to millions of federal government employees, contractors, and private users. While litigation and settlement negotiations between the parties are central to the controversy, the patent-approval and reexamination processes at the Patent and Trademark Office (PTO) have been significant factors in whether service continues uninterrupted to BlackBerry customers. The ability of government and private sector users to send and receive wireless email communication has become vital to our economy, global competitiveness, and quality of life.

The adequacy of the initial review of NTP's patents has been called into question by the litigation and the pending reexamination process at the PTO. I understand the reexamination process was initiated by RIM in 2003. If adequate resources were utilized to determine the initial validity of the patents, this controversy could have been avoided. Additionally, if RIM's reexamination requests had been acted upon more expeditiously, the current uncertainty could have been resolved long before it threatened critical service to the government and consumers.


The current patent controversy involving BlackBerry service is but one signal that our economy and ability to compete in a global economy are dependent on an efficient and competent system that brings new technological developments to the marketplace. A vital component of that system is a well-funded and efficient Patent and Trademark Office.

As we challenge the developing world to match our commitment to protecting intellectual property rights, we should not hesitate to make refinements to our own system. Because of this, I ask you to provide me with your assessment of the current

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patent examination and reexamination processes, what reforms are needed, and how current shortcomings impact bringing new technological developments to the marketplace, including the effect on the NTP/RIM controversy. I stand ready to work with you to do all I can to make the patent process better so that new information technology is introduced into commerce and adequate intellectual property protection is afforded to legitimate interests. I look forward to your timely response.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Davis". The signature is written in a cursive, flowing style with a large initial "T".

Tom Davis
Chairman