

April 29, 2015

The Honorable Joe Barton  
United States House of Representatives  
2107 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Barton:

On behalf of financial institutions of all sizes and charters represented by the undersigned trade associations, we are writing to express our support for your amendment to improve the Targeting Rogue and Opaque Letters Act (TROL Act), and urge its adoption by the Committee.

Financial institutions of every size have been targeted by patent trolls, who in most cases assert patents of dubious quality through vaguely worded demand letters or intentionally vague complaints. The TROL Act would require demand letters to contain more details about the patent, who owns it and what is being infringed. It would also authorize that the Federal Trade Commission (FTC) and State Attorneys General to enforce these requirements and bring actions against those that send “bad faith” demand letters.

However, as we communicated in a letter to the Committee yesterday, the definition of what constitutes “bad faith” is very narrow, potentially making make the transparency requirements unenforceable. By removing the definition of “bad faith” and focusing instead on objective factors that may indicate bad faith, your amendment would focus on the effect on consumers rather than the knowledge of the violator. This is an important first step to ensure that the destructive behavior of patent trolls can be stopped.

Although we have concerns about other aspects of the bill, your amendment would substantially improve it from the perspective of end users like financial institutions. We support the adoption of your amendment at today’s markup, and hope to continue to work with the Committee, other Committees and Congress as a whole to improve the bill with the goal of stopping the patent trolls that harm our members.

Sincerely,

American Bankers Association  
The Clearing House Payments Company LLC  
Credit Union National Association  
Financial Services Roundtable  
Independent Community Bankers of America  
National Association of Federal Credit Unions

CC: Members of the Energy and Commerce Committee