

**Advocates for Highway and Auto Safety  
Center for Auto Safety  
Consumer Federation of America  
Public Citizen**

July 18, 2007

Senator Patrick J. Leahy  
Chairman  
Judiciary Committee  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

As representatives of the leading consumer, highway and auto safety organizations we are writing to inform you about a patent issue that has significant financial and safety implications for American consumers -- the continued availability of alternative auto body parts from independent manufacturers. These are replacement parts that consumers need to repair their vehicles after a crash. Already, the auto industry's near monopoly on these parts results in excessive and outrageous repair bills for even minor traffic incidents such as parking lot bumps and fender benders. If the auto industry is allowed to continue their efforts to patent the design of these parts, crash repair bills will significantly increase, quality will suffer in the absence of real competition, and safety will be compromised as families are forced to forego necessary repairs because of the high cost of replacement parts. American consumers need and depend on competition to protect their economic interests. Without your support for including a provision ensuring competition in the aftermarket parts industry in S. 1145, the Patent Reform Act of 2007, American families will pay the price with their wallets and their safety.

Congress created the design patent statute to grant 14-year patent protection on automobile design to prevent one car manufacturer from taking designs from another. Congress did not intend to prohibit competition for the parts needed to repair automobiles. Auto industry patents on all component parts will eliminate the independent repair parts industry and result in a complete, unfettered monopoly.

In the 1990's Congress said "no" to the auto industry's attempt to enact legislation providing copyright protection for replacement parts because of the enormous cost a monopoly would impose on consumers. It's time for Congress to say "no" again.

Recently, the International Trade Commission (ITC) decided a Section 337 case brought by Ford Motor Company against Keystone Automotive Industries. Ford claimed that Keystone was importing products that infringed upon design patents it held on parts for the 2004 Ford 150 pick-up. The ITC found seven design patents to be valid. A general exclusion order that will bar the import of these seven alternative repair parts was issued June 6, 2007.

We urge you and your colleagues to explore the serious implications of the ITC's decision for consumers and take the necessary steps to correct this misuse of design patent law and protect competition in the market. For this reason, we strongly support adoption of a provision in S. 1145 that protects consumers and provides competition. Federal patent law should be amended to allow the use of an alternative repair part for the purpose of restoring a product to its original appearance, without violating the patents that automobile manufacturers need to prevent other car companies from copying their designs.

This provision will ensure competition in the market and prevent consumers from monopoly pricing while still protecting car company designs from being copied by other car companies. We look forward to working with you on this important issue.

Sincerely,

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