

April 27, 2009



The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Conyers,

My name is Chris MacAskill and my son and I founded SmugMug, Inc., a family-owned company of 47 employees. We were featured on the front page of *The Los Angeles Times* as “Silicon Valley's version of the Waltons.”

For six years we lived the American dream, thriving among corporate giants through hard work and ingenuity. We were certain the battle was won in the marketplace via fierce customer loyalty.

What we didn't see coming was the exponential rise of companies that *invent patents* for the sole purpose of suing, as opposed to *patenting inventions* with dreams of seeing them in commercial products.

We never imagined companies with no products, and litigators as executives, who can ruin us where we're weak: in courtrooms. They have every legal advantage, including their choice of courtrooms. The potential settlements are so large, they can hire big-time contingency firms and keep their own expenses at a fraction of ours.

I have spoken to dozens of small companies who, like us, first learned of what seem like unbelievably obvious patents (attaching photos to email) by being named in lawsuits. And just like that, we were presumed guilty unless we could find millions of dollars and years to prove our innocence. But small companies have neither the money nor legal firepower, so we're forced into crippling settlements, priced just below the cost of defense.

You rarely hear from us because we're terrified of being sued again. Our legal counsels typically forbid us from making public statements. I hope you can appreciate the risks I've taken by writing this letter. Everything I hold dear is tied up in SmugMug, including my four children, my wife, hundreds of thousands of customers whose priceless photos depend on us, and our faith in America's system of justice.

It shakes me to my core to hear lawyers tell me, “Chris, the only real legal solution short of patent reform is to take your software and leave America.”

I know some industries and inventors fear changes to patent law, for reasons I deeply respect. But it is not in anyone's interest to allow patent abuse, which overwhelms the patent office and courts so that real inventors can't get their patent applications or cases heard.

Sincerely,

A handwritten signature in black ink that reads "Chris MacAskill". The signature is written in a cursive, flowing style.

Chris MacAskill