



**Mark Costello**  
VP, General Patent Counsel  
Chief Strategy Counsel  
Office of General Counsel

Xerox Corporation  
45 Glover Avenue  
P.O. Box 4505  
Norwalk, CT 06856-4505

mark.costello@xerox.com  
tel 203-849-2359  
fax 203-849-2352

\*CT Authorized House Counsel

March 25, 2011

Judiciary Committee  
LOB Room 2500  
300 Capitol Avenue  
Hartford, CT 06106

**Re: Xerox Corporation's Testimony in Opposition to H.B. 6619 An Act  
Concerning Unfair Business Practices**

Dear Chairman Eric Coleman, Chairman Gerald Fox, Ranking Member John Kissel, Ranking Member John Hetherington and other distinguished Members of the Judiciary Committee,

It is a pleasure to submit our views for the record on HB 6619, legislation that would amend Connecticut's laws to address the misappropriation of Intellectual property.

As a Connecticut-headquartered *Fortune 500* company that spends a significant amount of its revenues on R&D to maintain its technological leadership in the field of imaging and document management, Xerox strongly supports public policy measures that protect intellectual property. Such measures incent innovation and ultimately lead to the growth of U.S. jobs. Accordingly, we are active participants in various groups and forums aimed at strengthening U.S. laws against IP theft and their enforcement, such as the *Coalition against Counterfeiting and Piracy*.

Our experience in these endeavors leads us to conclude that a unified, multifaceted and federally led effort provides the greatest opportunities for inroads to protect our IP from those who would misappropriate it for their own gain. Strong enforcement of uniform laws in areas such as patent, copyright, and trademarks, directed against those *deliberately* engaged in wrongdoing, remain our best strategy for protecting IP rights. Alternatively, the approach taken by HB6619 and related legislation in other states is counterproductive, and hence we oppose it.

First, the legislation diverts company resources from higher productive uses to less productive resources. An intellectual property jurisprudence has grown up over many years giving firms a degree of certainty over the meaning of the terms contained in these laws, and how courts will enforce them. A patchwork of new state laws, containing novel, untested language and concepts (combined with an incredible wide range of penalties focused on unwary victims) creates legal uncertainty. Firms will accordingly have less to spend on hiring, R&D, etc. as they will be forced to increase spending on uses such as defensive supply chain management and litigation against dubious lawsuits stemming from these unclear and untested new sources of liability.

Next, Xerox is concerned that U.S. trading partners will enact similar laws that will have chilling effect on the free flow of U.S. made goods.



Judiciary Committee  
March 25, 2011  
Page 2

Finally, Xerox is concerned that that this legislation is inconsistent with the U.S. Constitution's commerce and progress clauses (Art I, §8), which reserve to the federal government the power to create uniform policies in the subject matter of this legislation.

We appreciate the opportunity to share our views regarding HB 6619, and trust that they will prove useful to the Committee as it considers this legislation and the important issues it raises.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark Costello", written over a horizontal line.

Mark Costello  
Vice President, General Patent Counsel  
and Chief Strategic Counsel