Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue, NW
Suite CC-5610 (Annex J)
Washington, DC 20580

Dear Commissioners:

On behalf of the undersigned, we submit this letter to reiterate our strong support for the FTC's proposed Section 6(b) study of PAE activity and offer several suggestions about how to improve the effort outlined in the Notice and Request for Comments dated May 19, 2014 ("Second Notice").

**First**, the FTC's Information Requests should include requests for information about the investigations performed by PAEs. In the FTC's Notice and Request for Comments dated October 2, 2013 ("First Notice"), the FTC proposed collecting information about the time and expense incurred by PAEs relating to each patent demand. See First Notice, Request F.1.a.(c). In our letter offering comments on the First Notice, we suggested also including requests for details about the proportion of effort taking place before the assertion as well as the qualifications and credentials of those performing the investigation.

According to the Second Notice, the FTC no longer contemplates seeking any of this important information from PAEs. The FTC should reconsider its decision to remove this request. If the FTC does not seek this information, it will miss an important opportunity to gather critical information directly linked to the abusive practices of PAEs.

The following additional requests could go into section H ("Patent Assertion Information") under both "1. Demand Information" and "2. Litigation Information"

1. How much time did the Firm spend in pre-demand / pre-litigation investigation?

2. Was the pre-filing investigation performed by lawyers or non-lawyers, and as to the lawyers, were they located in and licensed in the United States?

3. Did the Firm ask for an injunction?

4. Did the Firm make assertions of indirect infringement without offering any facts in support, other than post-complaint knowledge of the patent?

**Second**, the FTC should share its collected data with the public where possible. While some collected information may be confidential, the FTC should not allow PAE recipients to designate their entire submissions as confidential. Instead, respondents should designate the confidential portions. As one option, the FTC could require respondents to provide a redacted copy that the FTC can share with the public. This will not impose a significant burden on respondents, but will greatly alleviate the FTC's task in determining what to share with the public.

Moreover, we encourage the FTC to share its results with state law enforcement and state regulators. In a joint letter responding to the First Notice, forty-three attorneys general asked the FTC to share the information it collects. More eyes on the data will lead to greater insight.

Respectfully submitted,

SAS Institute Inc.
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