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CARL GUARDINO  
President & CEO

July 31, 2017

Office of U.S. Senator Dianne Feinstein  
One Post Street, Suite 2450  
San Francisco, CA 94104

Honorable Dianne Feinstein,

Thank you for the opportunity to provide you with the position of the Silicon Valley Leadership Group regarding potential division of the United States Court of Appeals for the Ninth Circuit. In sum, we oppose any such division.

The Leadership Group is a trade association representing nearly 400 businesses in the innovation economy. Our member companies provide 1 in every 3 private sector jobs in Silicon Valley, and account for more than \$3 trillion in global economic activity.

We oppose any potential division of the Ninth Circuit because doing so will negatively impact intellectual property law and global trade, both of which are fundamental to the innovation economy.

Intellectual property law governs the patents, trademarks, and copyrights that support new technology. Companies are able to best innovate when there is predictability with regard to applicable IP law. Presently, the Ninth Circuit provides a cohesive and uniform standard of case law throughout the western United States. Dividing the Circuit risks creating different legal regimes in this field, subjecting companies to different sets of laws, regulations, and standards in different states. Such disharmony would lessen the pace of innovation, and discourage work on cutting-edge technologies.

Trade would also suffer under a divided Ninth Circuit. In Silicon Valley alone, exports account for \$30 billion annually in economic activity. The current legal arrangement provides foreign nations with the certainty that any legal issues which may arise will be addressed by a single, uniform judiciary. A divided judiciary would only present uncertainty and potential delay to any trade-related legal matters on the West Coast.

In light of the above, the Leadership Group strongly opposes any potential division of the Ninth Circuit.

Sincerely,

Carl Guardino  
President & CEO

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