



For Immediate Release

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Innovation Alliance Statement on Senate Judiciary IP Subcommittee Hearing on Patent Eligibility Restoration Act

Bill Would Help Restore Certainty and Predictability to Subject Matter Eligibility

Reforms Needed to Ensure U.S. Can Compete With China on AI and Other Key Technologies

WASHINGTON, D.C. – Innovation Alliance Executive Director Brian Pomper issued the following statement on today’s U.S. Senate Judiciary IP Subcommittee hearing on the Patent Eligibility Restoration Act, titled “Restoring Clarity, Certainty, and Predictability to the U.S. Patent System:”

“The Innovation Alliance applauds Senators Tillis and Coons for holding today’s hearing and remaining focused on the critical need to reform U.S. patent eligibility law. Their bill, the Patent Eligibility Restoration Act of 2023, drafted following years of study and deliberation with key stakeholders, would help restore certainty and predictability to the U.S. patent system.

“For nearly 150 years, Section 101 of the Patent Act was interpreted to allow inventions to be patented across broad categories of discovery. This approach supercharged American innovation and led to countless technological and medical breakthroughs in areas that could not have been imagined when Section 101 was first enacted.

“Starting in 2010, however, the Supreme Court issued a series of decisions that have upended longstanding settled law, narrowed the scope of patent-eligible subject matter, and created unworkable and unpredictable exceptions to an otherwise clear statute. These decisions have created chaos in the patent world and left inventors and lower court judges uncertain about what is patentable. Meanwhile, our foreign competitors, including China, are granting patents on many inventions that are now unpatentable here. As a result, innovation and venture capital are being driven overseas.

“The disparity in patent eligibility between the United States and our foreign competitors is particularly problematic in the critical areas of emerging technologies and biotech innovations, including 5G, advanced computing, artificial intelligence, and medical diagnostics. This not only undermines U.S. competitiveness and the ability of the United States to remain the global leader in innovation, but it harms U.S. national security as other countries challenge U.S. leadership in developing these key technologies.

“Today’s hearing marks an important step in moving this legislation forward and restoring certainty and predictability to our patent laws. We urge Congress to follow the leadership of

Senators Tillis and Coons and enact their bill as soon as possible. Our nation's future economic strength and competitiveness depend on it."

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ABOUT THE INNOVATION ALLIANCE

The Innovation Alliance represents innovators, patent owners and stakeholders from a diverse range of industries that believe in the critical importance of maintaining a strong patent system that supports innovative enterprises of all sizes. Innovation Alliance members can be found in large and small communities across the country, helping to fuel the innovation pipeline and drive the 21st century economy. Learn more at www.innovationalliance.net.

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