



January 13, 2025

The Honorable Donald J. Trump  
President-elect of the United States  
1401 Constitution Avenue, NW  
Washington, DC 20230

The Honorable James D. Vance  
Vice President-elect of the United States  
1401 Constitution Avenue, NW  
Washington, DC 20230

Dear President Trump and Vice President-elect Vance:

The [Innovation Alliance](#) congratulates you on your election. We look forward to working with your incoming administration to ensure continued U.S. global leadership in innovation and are hopeful for your stewardship of our innovation economy.

The Alliance is a coalition of U.S.-based research and development-focused technology companies representing innovators, patent owners, and stakeholders from a wide range of industries that believes in the critical importance of maintaining a strong patent system that supports innovative enterprises of all sizes. We are committed to strengthening the U.S. patent system to promote innovation, economic growth, and job creation, and we support legislation and policies that help to achieve those goals.

The Innovation Alliance appreciates the government-wide efforts of the first Trump Administration to strengthen U.S. innovation. During that time, under the leadership of Director Andrei Iancu, the U.S. Patent and Trademark Office (USPTO) took decisive action to reduce the backlog of U.S. patents, clarify the law of patent subject matter eligibility, and impose rules and guidelines to ensure fairness at the Patent Trial and Appeal Board (PTAB). The Antitrust Division of the Department of Justice (DOJ) worked to ensure U.S. businesses remained competitive on a global scale and supported the rights of innovators to protect their intellectual property (IP), including by issuing a joint policy statement with the USPTO and the National Institute of Standards and Technology (NIST) clarifying that injunctions should be available to stop infringement of standard essential patents (SEPs). Trump Administration national security officials also recognized the critical role that U.S. innovation leadership in foundational research and development, global technology standards setting, and IP licensing plays in our national security and economic competitiveness. They took concrete steps to maintain U.S. innovation leadership, including directing the U.S. Trade Representative to investigate IP theft and abuse by foreign actors.

In the next Administration, we urge you to build on your legacy to strategically position the United States to meet the challenge presented by foreign competitors, including China. In its "Made in China 2025" plan as well as its "China Standards 2035" plan, China makes clear its intention to supplant the United States as the global technology leader, particularly in critical and emerging technologies like artificial intelligence, 5G/6G, semiconductors, aerospace, and biotechnology. If the United States is to

meet this challenge, we must aggressively incentivize long-term private investment into critical and emerging technological areas.

The U.S. patent system—enshrined in the Constitution—provides the foundational incentive for American innovators. By allowing inventors to own their inventions for a limited time in exchange for public disclosure so other inventors can build and improve on them, the U.S. patent system, as Abraham Lincoln said, adds “the fuel of interest to the fire of genius,” helping to create the greatest innovation economy in the world.

Despite the success of the patent system in promoting U.S. technology leadership, we must do more to ensure the system continues to incentivize the most innovative U.S. inventors and entrepreneurs to develop new technologies. Since the early 2000s, a series of judicial decisions, shortsighted legislation, and a sustained campaign of attacks on the patent system by Big Tech have undermined patents as a catalyst for American innovation and economic success. The inability of patent owners to obtain injunctions against patent infringement has led to Big Tech companies concluding that it is cheaper to steal patented technologies from small inventors and pay a court-ordered royalty—after months or years of expensive litigation for the inventor—than it is to follow the law and pay for a license up front. The PTAB, designed to be a faster, cheaper method for adjudicating patent validity, has become a tool of Big Tech to extort settlements from inventors and small businesses who fear their patents will be canceled.

This degradation of U.S. patent rights is depressing U.S. economic growth and job creation and undermining U.S. competitiveness globally. Many patent holders are now able to obtain better protections for their patent rights overseas than they are in the United States. For instance, German courts issue injunctions as a matter of course following a finding of infringement, and many other European countries—including the Netherlands, France, Italy, Spain, Austria, Sweden, and Switzerland—have similar regimes, as do Asian countries like Thailand, South Korea, and Japan. Even Chinese courts have only limited authority to decline to grant an injunction. We have also seen efforts to weaken the ability of the U.S. International Trade Commission to prevent the import of IP-infringing products into the United States from China and elsewhere, which would further undercut U.S. global competitiveness.

At the same time, U.S. patent rights are under threat from foreign governments seeking to secure competitive advantage in key technologies. China has repeatedly abused its legal processes, including court proceedings and antitrust enforcement, to set global royalty rates on standardized technologies to devalue U.S.-developed technologies and unfairly advantage its domestic companies. Another proposal pending in the EU to regulate standardized technologies would similarly harm U.S. technologies and legitimize China’s abusive tactics.

We urge you to adopt cohesive, government-wide policies to correct this trajectory and reclaim undisputed U.S. global technology leadership. As in the previous Trump Administration, we hope you will pursue IP, standards, and antitrust policies that expand our competitive edge in critical and emerging technologies. These pro-innovation actions should include:

- Enacting bipartisan legislation, such as the [RESTORE](#) Patent Rights Act, the Promoting and Respecting Economically Vital American Innovation Leadership Act ([PREVAIL](#)) Act, and the Patent Eligibility Restoration Act ([PERA](#)).

- The RESTORE Patent Rights Act will restore the inventors' right to a permanent injunction to stop IP theft when a patent has been proven valid and infringed, which will in turn protect inventors' right to determine who can use their patented inventions and encourage investments in innovation that support U.S. technological leadership.
- The PREVAIL Act, which passed the Senate Judiciary Committee in November, will help make the PTAB process more fair for inventors by protecting them from harassment by Big Tech and others who violate their IP rights.
- PERA will clarify categories of inventions that are eligible to receive patents, restoring needed certainty and predictability for American innovators and investors and ensuring the United States avoids ceding leadership in key technologies like AI to our foreign adversaries and competitors.
- Ensuring agencies across the government recognize the critical importance of R&D leadership and IP to U.S. national security and economic competitiveness, and that policy decisions balance the need to impose restrictions on foreign adversaries with the need to promote U.S. innovation in key areas like antitrust, export controls, and trade.
- Ensuring the USPTO has the resources it needs to issue patents that promote U.S. technology leadership, while right-sizing parts of the agency, like the PTAB, that undermine this goal.
- Standing up to China and other countries that abuse their legal systems to obtain unfair advantage over U.S. innovators.
- Ensuring our allies in Europe and around the world respect strong IP rights as a bulwark against China's domination of global technology standards and the backbone of global technology advancement and cooperation.

The Innovation Alliance believes that strong leadership at critical agencies will ensure your administration's success in maintaining U.S. global technology leadership. The confirmation of Howard Lutnick to serve as Secretary of Commerce will elevate a business leader who understands the importance of IP to lead this vital department. In addition, we urge the administration to appoint a strong USPTO director with experience in both innovation policy and managing large complex organizations to work with Secretary-designate Lutnick to advance these goals.

Congratulations again on your election. We look forward to working with you to protect U.S. global technology leadership and strengthen the U.S. patent system as the bedrock of U.S. innovation.

Sincerely,



Brian Pomper  
Executive Director