



April 29, 2025

Senator Thom Tillis
Chairman
Senate Judiciary Committee Subcommittee on Intellectual Property

Senator Chris Coons
Ranking Member
Senate Judiciary Committee Subcommittee on Intellectual Property

Dear Senator Tillis and Senator Coons:

I am writing on behalf of Adeia Inc., a publicly-traded U.S research and development (R&D) company (NASDAQ: ADEA) that invents and develops next-generation technologies for the media and semiconductor industries. Adeia is among the most innovative companies in America, ranking in the Top 75 of all organizations worldwide that were granted the most patents by the U.S. Patent and Trademark Office (USPTO) in 2024.¹

Adeia strongly supports the Patent Eligibility Restoration Act (PERA) and the Promoting and Respecting Economically Vital American Innovation Leadership Act (PREVAIL). PERA and PREVAIL, if enacted, will strengthen and restore intellectual property protections for U.S. inventors, fueling American economic growth, technological progress, and global competitiveness. The bills make critical improvements to the U.S. patent system by clarifying patent eligibility standards and restoring much needed balance to administrative patent validity proceedings.

Adeia, much like other American R&D and growth tech companies, relies heavily on stable and reliable patent protection to support its business. A strong patent system is essential to incentivizing and protecting Adeia's investments in new, emerging technologies. For this reason, we commend you both for your leadership and unyielding commitment to the strengthening of the U.S. patent system through the re-introduction of PERA and PREVAIL.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mike Spillner", is written over a light blue horizontal line.

Mike Spillner
Head of Government Affairs and Public Policy
Adeia Inc.

¹ <https://ipo.org/wp-content/uploads/2025/01/2024-Top-300-Patent-Owners-List.pdf>



Statement: PERA Act will Help Discoveries Move Beyond the Lab, Reach Patients

MAY 1, 2025

Today, Senators Thom Tillis (R-NC) and Chris Coons (D-DE) reintroduced the [Patent Eligibility Restoration Act \(PERA\)](#), a bipartisan effort to restore clarity and balance to the U.S. patent system by amending Section 101 of the Patent Act. Alliance for Aging Research President and CEO Sue Peschin, MHS, released the following statement:

The Alliance applauds Senators Tillis and Coons for reintroducing PERA. This bipartisan legislation is essential to ensuring that scientific discoveries can be developed into new diagnostic and medical technologies that improve the lives of patients, particularly older adults.

Accurate and early diagnosis is a foundation of effective health care, especially for older patients managing chronic diseases. Advanced diagnostic tools — built on decades of biomedical research — enable earlier detection, more targeted care, and better health outcomes. Yet uncertainty in Section 101 of the Patent Act has created barriers that slow the development and availability of these innovations.

PERA will restore much-needed clarity, helping ensure that new discoveries can move beyond the laboratory and reach patients. Strong and reliable intellectual property protections are vital to encouraging the continued advancement of medical technologies and supporting their translation into real-world solutions.

Older patients stand to benefit significantly from advances in diagnostics, which can lead to earlier interventions, improved quality of life, and reduced health care costs over time. By reinforcing the framework that supports innovation, PERA will help deliver better outcomes for patients and strengthen our health care system.

We thank Senators Tillis and Coons for their leadership and urge Congress to act swiftly to pass this important legislation.



FOR IMMEDIATE RELEASE
April 28, 2025

The Alliance of U.S. Startups and Inventors for Jobs strongly supports the Patent Eligibility Restoration Act of 2025 introduced by Senators Thom Tillis (R-NC) and Chris Coons (D-DE).

Chris Israel, Executive Director of USIJ said the following regarding the introduction of PERA,

“This bipartisan and much-needed bill would strike a decade of judicial tinkering that has needlessly turned the question of patent eligibility into a confusing mess and harmed the U.S. versus our economic competitors. While the U.S. has spent a decade holding back innovations in areas such as fintech, diagnostic solutions and medical devices trying to figure out whether they are “abstract” or not, our competitors are moving forward and protecting these inventions.

PERA would be particularly beneficial to American startups and innovators by providing the clarity needed to attract investment for new ventures in essential areas such as medical devices, diagnostics, manufacturing and a whole new range of advancements powered by software.”

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ALBERT G. HORVATH
Chief Executive Officer

1155 SIXTEENTH STREET N.W.
WASHINGTON, D.C. 20036
Phone (202) 872-4534

July 14, 2025

The Honorable Thom Tillis, Chairman
Senate Subcommittee on Intellectual Property

The Honorable Christopher Coons
Senate Subcommittee on Intellectual Property

RE: American Chemical Society Support for the Patent Eligibility Restoration Act

Dear Senators Tillis and Coons,

On behalf of the American Chemical Society (ACS), I write to express our strong support for the Patent Eligibility Restoration Act of 2025 (PERA). If enacted, this legislation would bring much-needed clarity and predictability to the evaluation of subject matter eligibility under 35 U.S.C. § 101.

ACS is a federally chartered organization representing a community of more than 230,000 individuals around the world. The Society is committed to advancing chemistry through scientific research, education, and innovation—addressing critical challenges in health, energy, the environment, and beyond. Robust patent protection is essential to these efforts. Without it, scientific inventions and innovations are vulnerable to unauthorized use, weakening the incentive to invest in the research and development necessary to drive progress and advance the American economy.

ACS has long supported policies that strengthen U.S. innovation and ensure consistency and clarity in the implementation of patent law, both domestically and internationally—including with respect to subject matter eligible to be considered for patenting under § 101. The Society also advocates for the application of an objective, consistently applied test to determine patent eligibility. PERA meets both of these goals.

By eliminating ambiguous judicial exceptions to patent eligibility, PERA establishes a clear statutory baseline: any useful process, machine, manufacture, composition of matter, or improvement thereof is eligible to be considered for patent protection, unless explicitly excluded. This shift enhances the legal foundation for scientific innovation and better aligns U.S. standards with those of other leading jurisdictions—including those where U.S. companies conduct business.

In fields such as biotechnology and diagnostics, PERA restores eligibility to important breakthroughs that were previously excluded under current case law. At the same time, it maintains appropriate boundaries by permitting protection for modified natural products while excluding unmodified substances as they exist in nature. This balance encourages innovation while respecting the fundamental boundaries of the patent system.

Importantly, PERA separates the eligibility analysis under § 101 from the distinct requirements for patentability under §§ 102, 103, and 112. This separation corrects the current confusion stemming from judicial interpretations that conflate eligibility with novelty and inventiveness. By treating eligibility as a distinct threshold inquiry, the Act enhances doctrinal clarity and legal predictability—

The Honorable Thom Tillis, Chairman
The Honorable Christopher Coons
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July 14, 2025

benefiting both inventors and investors. It also reinforces the role of § 101 as a gatekeeper that excludes only fundamental exceptions like abstract ideas and natural laws, without prematurely rejecting otherwise patentable inventions.

We appreciate your leadership on this important issue. ACS stands ready to provide further information or assistance as needed and would welcome the opportunity to engage in a more detailed dialogue on how targeted legislative reform can advance U.S. innovation. We remain committed to ensuring that the U.S. patent system continues to support scientific discovery and the advancement of the chemical enterprise that promote American business and our economy.

Sincerely,

A handwritten signature in blue ink, appearing to read "Albert G. Horvath".

Albert G. Horvath
Chief Executive Officer
American Chemical Society



American Intellectual Property Law Association

April 29, 2025

The Honorable Thom Tillis
Chair
U.S. Senate Judiciary Subcommittee
on Intellectual Property
U.S. Senate
113 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Christopher Coons
Member
U.S. Senate Judiciary Subcommittee
on Intellectual Property
U.S. Senate
218 Russell Senate Office Building
Washington, D.C. 20510

RE: Patent Eligibility Restoration Act

Dear Chair Tillis and Member Coons:

The American Intellectual Property Law Association (AIPLA) is pleased to support the reintroduction of the Patent Eligibility Restoration Act (PERA), in the 119th Congress. This critical legislation addresses longstanding uncertainty in U.S. patent eligibility jurisprudence and provides necessary clarity to ensure our patent system continues to promote innovation and investment across all technological sectors.

AIPLA is a national bar association of approximately 7,000 members including professionals engaged in private or corporate practice, in government service, and in the academic community. AIPLA members represent a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent, trademark, copyright, trade secret, and unfair competition law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property. Our mission includes helping establish and maintain fair and effective laws and policies that stimulate and reward invention while balancing the public's interest in healthy competition, reasonable costs, and basic fairness.

PERA is crucial for restoring predictability to patent subject matter eligibility under 35 U.S.C. § 101. The bill eliminates vague judicial exceptions and reaffirms that any useful process, machine, manufacture, or composition of matter—or any improvement thereof—should be eligible for patent protection, subject only to clearly defined exclusions. By clarifying the statutory scope of eligibility, PERA strengthens incentives for R&D, particularly in emerging industries such as artificial intelligence, biotechnology, and medical diagnostics.

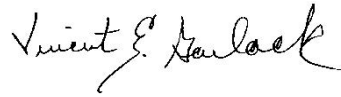
We commend the sponsors of this bill for their leadership in addressing the effects of recent jurisprudence that has led to inconsistent and often differing outcomes in the lower courts and before the U.S. Patent and Trademark Office. We believe this legislation will significantly enhance legal certainty for inventors, businesses, and investors, and help maintain the United States' leadership in global innovation.

April 29, 2025

Page 2

AIPLA urges the Senate Judiciary Committee to quickly advance PERA. We appreciate your consideration of our views and look forward to supporting the Committee's work in modernizing and strengthening the U.S. patent system.

Sincerely,

A handwritten signature in black ink, reading "Vincent E. Garlock". The signature is written in a cursive, flowing style.

Vincent E. Garlock
Executive Director
American Intellectual Property Law Association

CC: Members of the Senate Judiciary Committee



August 29, 2025

The Honorable Thom Tillis
United States Senate
113 Dirksen Building
Washington, DC 20510

The Honorable Adam Schiff
United States Senate
112 Hart Building
Washington, DC 20510

Dear Senators Tillis and Schiff:

We, the undersigned associations with a membership consisting of America's research universities, medical schools, and technology transfer offices, write to express our strong and unified support for S. 1546 the Patent Eligibility Restoration Act.

Creating clear and consistent rules about what inventions are patent eligible will catalyze research and innovation across our campuses and improve pathways of bringing breakthrough innovations to the marketplace. This bill provides clearer technology transfer guideposts for our member institutions, particularly in innovative fields like biotechnology, artificial intelligence, and medical diagnostics.

If we want American technologies to remain at the forefront of innovation and U.S. economic competitiveness, we need Congress to bring predictability back to the patent process.

We thank you for introducing this bill and we urge other senators on the Senate Judiciary Committee to support it as well.

Respectfully,

A handwritten signature in blue ink that reads "Barbara R. Snyder".

Barbara R. Snyder
AAU President

A handwritten signature in black ink that reads "Waded Cruzado".

Waded Cruzado
APLU President

A handwritten signature in black ink that reads "Stephen J. Susalka".

Stephen J. Susalka
AUTM CEO



**STATEMENT BY STEPHEN SUSALKA
CEO, AUTM
ON INTRODUCTION PERA
MAY 1, 2025**

“AUTM — the association representing technology transfer professionals — thanks Senators Tillis and Coons and others for their leadership in introducing PERA. This legislation is crucially needed to address the ambiguities that the courts have created about what is, and what is not, patent eligible. At a time when the U.S. is competing for innovation leadership, its patent system needs to clearly delineate this process so that it can move forward on numerous discoveries that otherwise would wither on the vine.”

April 30, 2025

Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator:

On behalf of the Bayh-Dole Coalition, I would like to reaffirm our support for the bipartisan, bicameral ***Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act and the Patent Eligibility Restoration Act (PERA)***. These bills would strengthen the U.S. patent system and uphold the principles of the Bayh-Dole Act, which provides the legal framework for turning federally funded research into real-world inventions.

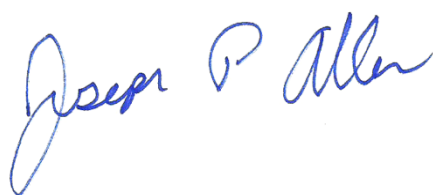
As you may recall from our [previous letter](#), the Bayh-Dole Coalition is a group of innovation-oriented organizations and individuals committed to celebrating and protecting the Bayh-Dole Act, as well as informing policymakers and the public of its many benefits. Because the success of Bayh-Dole depends on a robust and stable patent system, the PREVAIL Act and PERA are essential to restoring clarity and fairness where it has eroded -- ensuring that publicly funded discoveries continue to attract investment, drive progress, and deliver value to the American people.

The [PREVAIL Act](#) addresses persistent issues at the Patent Trial and Appeal Board (PTAB), which currently permits repetitive challenges against innovators' patents. By restoring procedural fairness and limiting duplicative challenges, PREVAIL would provide [critical protections](#) for university inventors and other small entities, helping ensure that federally funded breakthroughs can progress from lab to market.

[PERA](#) addresses another foundational concern: the uncertainty around which types of inventions are eligible for patent protection. From life-saving diagnostic tools to AI-driven technologies, entire categories of cutting-edge innovation remain mired in ambiguity. PERA would [restore](#) much-needed clarity to eligibility standards, empowering researchers and investors to pursue breakthroughs that often originate in public research institutions and are vital to national competitiveness.

Together, these legislative efforts would reinforce the pillars of American innovation by ensuring that our patent system empowers, rather than obstructs, inventors. We commend the Committee's leadership in advancing these important reforms and urge you to preserve their core provisions, as the strength of our innovation economy depends on it.

Sincerely,



Joseph P. Allen
Executive Director
Bayh-Dole Coalition



June 16, 2025

Senator Thomas Tillis
United States Senate
113 Dirksen Senate Office Building
Washington, DC 20510

Senator Christopher Coons
United States Senate
218 Russell Senate Office Building
Washington, DC 20510

RE: Biocom California Support for S.1546 - Patent Eligibility Restoration Act of 2025

Dear Senators Tillis and Coons,

Biocom California writes to express our strong support for S.1546 - Patent Eligibility Restoration Act of 2025.

Biocom California is the largest, most experienced leader and advocate for California's life science sector, which includes biotechnology, pharmaceutical, medical device, genomics, and diagnostics companies of all sizes, as well as research universities and institutes, clinical research organizations, investors, and service providers. Biocom California drives public policy initiatives to positively influence the state's life science community in the research, development, and delivery of innovative products and technologies that improve health and quality of life. California's life sciences industry generates over \$414 billion in annual economic output, supports 1.24 million jobs, and produces \$128.6 billion in labor and sole proprietor income¹.

The bill would reform 35 U.S.C. § 101. to provide clearer guidelines on what constitutes patentable subject matter, thus restoring predictability to what qualifies for patent protection. By removing vague judicial exceptions and reaffirming what is eligible, the bill provides much-needed clarity to U.S. patent eligibility law. This strengthened framework will enhance incentives for research and development, especially in cutting-edge fields like artificial intelligence, biotechnology, and medical diagnostics, and will further help to ensure that our patent system continues to drive innovation and attract investment across all areas of technology.

With the clarity provided by PERA, innovators have a greater opportunity to help ensure that breakthroughs made in the lab can advance to benefit patients. Strong, reliable intellectual property protections are crucial for fostering continued medical progress and turning research into real-world solutions. This clarification would be particularly valuable for U.S.-based startups and early-stage innovators, by offering the clarity needed to secure investment for new ventures in critical fields like medical devices, diagnostics, and pharmaceutical manufacturing.

In our current climate, where the U.S. is striving to maintain its leadership in innovation, a clear and reliable patent system is essential to ensure promising discoveries aren't stalled or abandoned but instead have a clear path to development and impact.

We appreciate the opportunity to provide our support on behalf of our members and thank you for your consideration. Please contact Biocom California's Federal Advocacy Manager, Megan Kastner, at mkastner@biocom.org for additional information or questions. We look forward to continuing to work with you on this matter.

Sincerely,
Tim Scott

A handwritten signature in black ink, appearing to read "T. Scott", written over a light blue circular stamp.

President & CEO
Biocom California

¹ Biocom California 2024 Economic Impact Report Databook. <https://www.biocom.org/eir/>





BIO APPLAUDS NEW LEGISLATION TO PROTECT PATENT RIGHTS AND PROMOTE U.S. INNOVATION

WASHINGTON, D.C. -- The Biotechnology Innovation Organization praised lawmakers for introducing two bipartisan, bicameral bills that'd strengthen America's patent system and accelerate medical progress:

"The Biotechnology Innovation Organization commends Senators Thom Tillis (R-NC) and Chris Coons (D-DE) and Representatives Kevin Kiley (R-CA) and Scott Peters (D-CA) for spearheading the Patent Eligibility Restoration Act (PERA Act). It likewise applauds Senators Coons and Tillis and Representatives Nathaniel Moran (R-TX) and Deborah Ross (D-NC) for their Promoting and Respecting Economically Vital American Innovation Leadership Act (PREVAIL Act)."

"PERA will finally clarify which inventions are eligible for patent protection. The existing uncertainty -- created by a series of Supreme Court decisions -- undermines researchers' cutting-edge work and makes it harder for American innovators to invest in R&D. At a time when the American people are demanding that critical industries be brought home, we cannot afford to place our innovators at a disadvantage with overseas competitors."

"The PREVAIL Act will empower startups and small businesses by realigning the Patent Trial and Appeals Board with Congress's original intent. Lawmakers had hoped the PTAB would provide a faster and cheaper *alternative* to costly federal court litigation. But over the past decade and a half, entrenched corporations have abused PTAB proceedings, using them to harass innovators with expensive, duplicative patent challenges in two forums at once."

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About the Biotechnology Innovation Organization: BIO is the world's largest advocacy organization, representing approximately 1,000 members with a central mission -- supporting the policies, regulations, and ecosystem that increase access to innovation and make our industry's discoveries possible. The majority of BIO's members are research-intensive biotechnology companies working on cutting-edge medical breakthroughs to improve the health of patients and families.



FOR IMMEDIATE RELEASE

May 1, 2025

Contact: info@cfif.org

Center for Individual Freedom Reiterates Strong Support for PERA and the PREVAIL Act

WASHINGTON, DC – Two bipartisan bills to help restore legal certainty and fairness for America’s innovators were reintroduced today in Congress: the **Patent Eligibility Restoration Act (PERA)** and Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act. The Center for Individual Freedom (CFIF) reiterates its strong support for both bills and urges their swift passage.

“China and other foreign competitors are working to surpass the United States as the world’s innovation leader,” said CFIF President Jeffrey Mazzella. “The stakes are extremely high. Yet, legal uncertainty on patent eligibility and a tipping of the scales at the Patent Trial and Appeal Board (PTAB) against patent holders have weakened America’s patent system.

“It’s time to reassert America’s leadership to unleash U.S. innovation. Congress should act to pass PERA and the PREVAIL Act without delay,” said Mazzella.

CFIF has long supported PERA and the PREVAIL Act, along with **other legislation** to strengthen patent rights. In November, CFIF released a **web video** urging Congress to pass PERA and the PREVAIL Act. The video features legal and policy experts who have appeared on CFIF’s **IP Protection Matters podcast** explaining how the legislation will help clarify patent eligibility and provide balance to PTAB proceedings.

The legal and policy experts appearing in the web video include: The Honorable Paul R. Michel, former Chief Judge on the U.S. Court of Appeals for the Federal Circuit; Alden Abbott, Senior Research Fellow at Mercatus Center and former General Counsel at the Federal Trade Commission; Chris Israel, Executive Director of Alliance of U.S. Startups and Inventors for Jobs; James Edwards, Founder and

Executive Director of Conservatives for Property Rights; and Karen Kerrigan, President & CEO of the Small Business & Entrepreneurship Council.

Watch the video [here](#) and below.



PERA is sponsored in the U.S. Senate by Thom Tillis (R-NC) and Chris Coons (D-DE), and Representatives Kevin Kiley (R-CA) and Scott Peters (D-CA) in the U.S. House. The PREVAIL Act is sponsored by Senators Coons and Tillis, and Representatives Deborah Ross (D-NC) and Nathan Moran (R-TX).

Link to release: <https://cfif.org/v/index.php/press-room/7236-cfif-reiterates-strong-support-for-pera-and-the-prevail-act>

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Coalition Against Socialized Medicine Applauds the Introduction of the Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act and the Patent Eligibility Restoration Act (PERA).



May 1, 2025

ALEXANDRIA, VA, May 1, 2025 – The Coalition Against Socialized Medicine (CASM), a broad coalition of leading conservative groups, including the Conservative Political Action Coalition (CPAC), Heritage Action, the National Taxpayers Union, Club for Growth, Citizens Against Government Waste, and American Commitment, has issued the following statement on the Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act and the Patent Eligibility Restoration Act (PERA).

“The Coalition Against Socialized Medicine (CASM) is thrilled to see the introduction of the Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act and the Patent Eligibility Restoration Act (PERA). As a coalition comprised of conservative, pro-competition organizations, CASM is thankful that our lawmakers are working to preserve the intellectual property (IP) protections that enable a functioning free market and promote American research and development.

“PREVAIL and PERA would work to strengthen and clarify IP rights and reinforce legal protections for innovation. Previous policies have empowered outside actors to disrupt innovation and investment, impeding advancement in the vital healthcare industry. Fortunately, PREVAIL and PERA will help preserve the patent system, restoring momentum to our country’s innovation pipeline.

“A pillar of freedom and innovation, IP protections promote competition while ensuring innovators can safely invest their time and money in new products. Patents are vital to fueling our free-market economy and medical sector, and both bills work to reinforce and uphold IP rights, promising continued innovation and progress.

“We urge Congress to act swiftly to pass the PREVAIL and PERA Acts, prioritizing the values that keep the U.S. the global leader of pharmaceutical innovation.”



The Coalition for 21st Century Patent Reform

21C Welcomes the Reintroduction of the Patent Eligibility Restoration Act

Washington, D.C., May 1, 2025 – 21C welcomes the bicameral, bipartisan introduction of the *Patent Eligibility Restoration Act* (PERA) and thanks Senators Thom Tillis (R-NC) and Chris Coons (D-DE), as well as Representatives Kevin Kylie (R-CA) and Scott Peters (D-CA), for their continued leadership on patent eligibility reform. PERA will override recent Supreme Court decisions that have been misinterpreted to exclude critical inventions from patent protection under Section 101 of the Patent Act, introducing instead a simpler, more objective approach to defining patentable subject matter.

Effective reforms to our patent laws, as outlined in PERA, will significantly boost private sector investment in innovation, spurring economic growth and competitiveness, benefiting society, and protecting U.S. national security. PERA will ensure that groundbreaking advancements in medical diagnostics and lifesaving treatments, traditional manufacturing, software development, and even the most dynamic technologies considered critical to national security and competitiveness – including artificial intelligence, 5G, and quantum computing – earn patent protection. In addition, the bill will prevent overreach, safeguard genuine innovation, and promote fair competition by excluding from patent eligibility fundamental concepts that do not result from human ingenuity. This includes mathematical formulae, certain economic or social processes, genes as they exist in the human body, and natural materials as they exist in nature.

In 21C's view, PERA strikes the right balance by replacing an unworkable and unpredictable approach with one that the entire inventor ecosystem can use and rely on to protect their inventions and drive breakthroughs and societally beneficial inventions, while including important safeguards to ensure that fundamental concepts and natural materials remain freely available for public use. 21C looks forward to continuing to work with the bill's sponsors to achieve PERA's passage.

In particular, 21C applauds PERA's sponsors for promptly reintroducing PERA. This legislation represents a significant step forward in clarifying patent eligibility while maintaining necessary standards on what is ultimately patentable. These clarifications will ensure that the United States remains the most attractive place in the world to invest, invent, and grow. See www.PatentsMatter.com.

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June 18, 2025

Dear Republican Senator/Representative:

The signatories below, comprised of public policy, grassroots, and free enterprise organizations, write to express our support for the Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act (S. 1553, H.R. 3160), the Patent Eligibility Restoration Act (PERA; S. 1546, H.R. 3152), and the RESTORE Patent Rights Act (S. 708, H.R. 1574). We urge your support for this legislation.

The PREVAIL Act would secure private property rights to inventions and give quiet title, which is crucial for commercialization of and investment in patented innovations. That will boost the United States's competitive edge, especially in emerging and standardized technologies important to our economic and national security. PREVAIL would reform the Patent Trial and Appeal Board (PTAB) by adding procedural and due-process guardrails to reduce abuses of the administrative patent challenge system. These changes would protect patent owners from infringers' ability to game the PTAB system through repeated challenges, even when a court of law has already upheld that patent's validity, and inordinate PTAB discretion to tilt the process.

PREVAIL would help alleviate the damage to our patent system, to inventors (such as those who have testified before the Senate and House Judiciary Intellectual Property Subcommittees in recent years) who face the prospect of lost commercial traction during what is supposed to be their exclusive ownership and use of their invention, and from the erosion of property rights in the patent arena. Further, the legislation would mitigate the public's misgivings regarding this administrative body.

The PERA Act would fully eliminate judicially created exceptions to patent eligibility. It would restore the congressionally intentional breadth of the section 101 threshold question as to what is patent-eligible subject matter, including of a "useful process." This bill would prohibit examiners, courts, the Patent Trial and Appeal Board, or others from considering substantive patentability requirements (sections 102, 103, and 112) or from fixating on a patent claim apart from the invention as a whole in a 101 threshold determination regarding a specific invention or discovery. PERA would settle the current disquiet of uncertain patent eligibility among courts.

The RESTORE Patent Rights Act would result in courts again enjoining ongoing patent infringement after a patent is proven valid and being infringed. This would remedy the adverse way in which federal courts have applied the U.S. Supreme Court's 2006 *eBay v. MercExchange* case. Over the past two decades, courts have created a categorical rule of denying permanent injunctions against proven infringers. This development denies the wronged party justice. It also stands diametrically opposite two centuries of historical precedent and practice. In short, RESTORE would provide patent owners the

same equitable relief available in cases involving all other forms of property, including other forms of intellectual property.

These three bills would bolster the reliability, certainty, and strength of American patents. They would clarify and refine elements of the patenting process, making it easier for legitimate patent claims to reach fruition and withstand what would become fairer, more consistent, impartial scrutiny once granted.

We strongly urge your support by cosponsoring the bipartisan, bicameral PREVAIL, PERA, and the RESTORE Patent Rights Acts. We look forward to working with you to advance this legislation to enactment.

Respectfully,

James Edwards
Executive Director
Conservatives for Property Rights

Kevin L. Kearns
President
U.S. Business and Industry Council

Steve Chartan
Vice President of Government Relations
Heritage Action for America

Hon. J. Kenneth Blackwell
Chairman
Conservative Action Project

Jenny Beth Martin
Honorary Chairman
Tea Party Patriots Action

C. Preston Noell III
President
Tradition, Family, Property, Inc.

Seton Motley
President
Less Government

Charles Sauer
President
Market Institute

Jeffrey Mazzella
President
Center for Individual Freedom

Anthony Zagotta
President
Center for American Principles

George Landrith
President
Frontiers of Freedom

Ashley Baker
Executive Director
The Committee for Justice

Dee Stewart
President
Americans for a Balanced Budget

Tom DeWeese
President
American Policy Center

Ryan Ellis
President
Center for a Free Economy

Dick Patten
President
American Business Defense Council

Karen Kerrigan
President & CEO
Small Business & Entrepreneurship Council

Paul Caprio
Director
Family PAC Federal

Saulius "Saul" Anuzis
President
The American Association of Senior Citizens

Gerard Scimeca
Chairman
Consumer Action for a Strong Economy

Colin Hanna
President
Let Freedom Ring

Bob Carlstrom
Executive Director
Prosperity for US Foundation

Tom Giovanetti
President
Americans for a Strong Economy

Martha Boneta Fain
President
Victory Coalition Strategies
Vote America First

James L. Martin
Founder/Chairman
60 Plus Association

Matthew Kandrach
President
Consumer Action for a Strong Economy

Curt Levey
President
The Committee for Justice

Daniel Perrin
President
HSA Coalition

David Williams
President
Taxpayers Protection Alliance

Phil Kerpen
President
American Commitment



**Conservatives
for
Property Rights**

April 30, 2025

Senator Thom Tillis
113 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Chris Coons
218 Russell Senate Office Building
Washington, D.C. 20510

Dear Senators Tillis and Coons:

Conservatives for Property Rights (CPR) strongly supports the Patent Eligibility Restoration Act (PERA) and appreciates your devoted leadership to restore the breadth and certainty of what constitutes patent-eligible subject matter.

CPR, a coalition of conservative and libertarian organizations, emphasizes the central importance of private property in all its forms—physical, personal, and intellectual—to human flourishing. Private property rights rank among the unalienable rights the Founders referenced in the Declaration of Independence. Notably, the Founders specified intellectual property (IP) rights in the U.S. Constitution itself. Thus, IP rights transcend conservative and liberal politics.

The Senate IP Subcommittee hearings you held the summer of 2019 built a vast, indisputable record that illustrated the widespread confusion about what is and what is not patent-eligible under section 101 of the Patent Act (35 U.S. Code 101). Those hearings made plain the scope and nature of the problem. Judicially created exceptions that ignore the plain language of the law are particularly to blame. The U.S. Supreme Court, especially, as well as lower courts have compounded patent uncertainty and unreliability. The damage from contradictory, judicially created exceptions to patent eligibility costs American innovation, security, and competitiveness.

PERA would tremendously help rectify the current situation. This legislation would invalidate all judicially created exceptions to patent eligibility. It would restore the intentional breadth of the section 101 threshold question as to patent-eligible subject matter. This bill would prohibit examiners, courts, the Patent Trial and Appeal Board, or others from considering substantive patentability requirements (sections 102, 103, and 112) or from fixating on a specific patent claim apart from the invention as a whole in a 101 threshold determination with respect to a specific invention or discovery.

PERA would correct the *Alice-Mayo* morass, clarifying how applied mathematical formulae and modified natural or genetic matter most certainly may be patent-eligible, as well as rescuing computer-implemented inventions from judicial lawmaking that has extrastatutorily excluded them. The legislation's enumerated exceptions would differentiate mathematical formulae and mental processes alone, natural or genetic material as found in nature, and certain processes as not patent-eligible due to lack of human intervention. The exclusion of naturally occurring human genes should put an end to the false claim that human beings could be patented.

Thus, CPR is pleased to voice its support for the Patent Eligibility Restoration Act. We stand ready to work with you to advance this needed legislation.

Sincerely,

James Edwards, Ph.D.
Founder and Executive Director
Conservatives for Property Rights

Kevin L. Kearns
President
U.S. Business & Industry Council

Ryan Ellis
President
Center for a Free Economy

Jeffrey Mazzella
President
Center for Individual Freedom

Tom DeWeese
President
American Policy Center

Seton Motley
President
Less Government

James L. Martin
Founder/Chairman
60 Plus Association

Saulius "Saul" Anuzis
President
American Association of Senior Citizens

George Landrith
President
Frontiers of Freedom

Matthew Kandrach
President
Consumer Action for a Strong Economy

Anthony Zagotta
President
Center for American Principles

Bob Carlstrom
Executive Director
Prosperity for Us Foundation

Charles Sauer
President
Market Institute



Andrei Iancu, Co-Chair
David Kappos, Co-Chair
Judge Paul Michel (Ret.), Board Member
Judge Kathleen O'Malley (Ret.), Board Member
Frank Cullen, Executive Director

May 1, 2025

The Honorable Thom Tillis
113 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Chris Coons
218 Russell Senate Office Building
Washington, D.C. 20510

Dear Senators Tillis and Coons:

I am writing on behalf of the Council for Innovation Promotion (C4IP), a bipartisan coalition dedicated to promoting strong and effective intellectual property (IP) rights that drive innovation, enhance American economic competitiveness, and improve lives everywhere. C4IP is chaired by two former Directors of the U.S. Patent and Trademark Office (USPTO), Andrei Iancu and David Kappos, who served under Presidents Trump and Obama, respectively. Our board also includes two retired judges from the U.S. Court of Appeals for the Federal Circuit, former Chief Judge Paul Michel and Judge Kathleen O'Malley.

We write today to express C4IP's strong support for the reintroduction of the Patent Eligibility Restoration Act (PERA) and the Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act. We thank Senators Thom Tillis, Chris Coons, Dick Durbin, and Mazie Hirono as well as Representatives Deborah Ross, Nathaniel Moran, Kevin Kiley, and Scott Peters for their continued leadership on these issues.

Together, these bipartisan bills would restore clarity, fairness, and predictability to the U.S. patent system. Because the patent system provides the foundation for our country's innovation engine, the improvements that these bills would make would directly support innovators — ensuring that they have the confidence and incentives needed to invest in research and development, leading to strengthened economic growth and sustained American leadership in innovation.

For over a [decade](#), U.S. innovators have faced profound uncertainty regarding what types of inventions qualify for patent protection under Section 101 of the Patent Act. [Judicial decisions](#) have introduced vague, subjective, and unpredictable eligibility tests. As a result, inventors, research institutions, and investors are often left unsure whether critical advances — particularly in cutting-edge fields like medical diagnostics, biotechnology, artificial intelligence, and computer-implemented technologies — can be protected.

This uncertainty has [chilled investment](#), slowing the commercialization of groundbreaking discoveries and weakening America’s competitiveness in sectors vital to public health, national security, and economic growth. Notably, U.S. patent eligibility doctrine has [become](#) unusually uncertain and restrictive compared to other advanced economies — leaving American innovators at a disadvantage as foreign competitors provide clearer, more reliable protections for emerging technologies.

[PERA](#) would restore clarity, certainty, and predictability by establishing straightforward, objective, and administrable standards rooted in statutory text. The bill would eliminate vague, judicially created exceptions like “abstract ideas” and “laws of nature,” replacing them with understandable rules for what is eligible. It would ensure that genuine technological innovations, including diagnostics, biotechnology, and computer-implemented inventions, remain eligible for protection. By replacing subjective judicial tests with clear statutory guidance, PERA would revitalize investment, encourage research in critical fields, and restore Section 101 to its intended role of promoting innovation and economic growth in the 21st century.

While PERA addresses substantive eligibility standards, [the PREVAIL Act](#) would strengthen procedural fairness at the Patent Trial and Appeal Board (PTAB) by implementing targeted, commonsense reforms that promote fairness, efficiency, and consistency. The legislation would eliminate duplicative litigation by requiring challengers to choose their forum — either continuing a case in district court or proceeding before the PTAB — once the PTAB institutes a trial. It would also harmonize legal standards by requiring the PTAB to apply a clear and convincing evidence standard to invalidate patents and use the same claim construction standard applied in federal courts. In addition, PREVAIL would strengthen estoppel protections to prevent repetitive challenges across venues and ensure that only real parties in interest with a substantial stake may pursue PTAB proceedings.

These reforms would reduce wasteful duplication, improve consistency across venues, and ensure that patent rights are adjudicated under fair and predictable rules. By curbing strategic abuse of the PTAB process and reducing duplicative burdens on innovators, PREVAIL would make it easier for inventors to defend their patents without facing costly, repetitive, and burdensome proceedings. Strengthening procedural protections at the PTAB is essential to restoring balance to the U.S. patent system and supporting robust innovation and legitimate competition.

For America's innovative businesses, these improvements are especially critical. Today, large, well-resourced corporations can [exploit](#) procedural gaps by launching parallel, duplicative attacks on the same patent in multiple venues, forcing innovators to endure unsustainable litigation costs, prolonged uncertainty, and pressure to settle or abandon their rights. PREVAIL would restore fairness to the system by curbing these abusive tactics and ensuring that innovators have a meaningful opportunity to protect and enforce their IP rights.

Together, PERA and PREVAIL represent thoughtful, bipartisan solutions to restore confidence in America's patent system. Strong, reliable IP rights do not stifle competition — they drive it by fostering the incentives necessary for sustained innovation, dynamic economic growth, and American technological leadership. Without these critical reforms, the United States risks losing its innovation advantage to foreign competitors that offer more consistent and predictable protections for inventors.

We value your leadership in championing these critical reforms and urge Congress to prioritize the swift passage of PERA and the PREVAIL Act. C4IP stands ready to assist in advancing policies that strengthen America's IP system and secure its future as the global leader in innovation.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Cullen", is positioned below the word "Sincerely,".

Frank Cullen
Executive Director
Council for Innovation Promotion (C4IP)



EAGLE FORUM®

EDUCATION & LEGAL DEFENSE FUND

Founded by Phyllis Schlafly in 1981

info@phyllisschlafly.com

April 30, 2025

The Honorable Chris Coons
218 Russell Senate Office Building
U.S. Senate
Washington, DC 20510

The Honorable Thom Tillis
113 Dirksen Senate Office Building
U.S. Senate
Washington, DC 20510

Dear Senators Tillis and Coons:

Eagle Forum Education & Legal Defense Fund, a nonprofit organization founded by Phyllis Schlafly in 1981, applauds your bipartisan leadership seeking to address disquieting jurisprudence concerning patent-eligible subject matter. Your diligent commitment and efforts have culminated with the **Patent Eligibility Restoration Act (PERA)**.

You are quite familiar with the source of this disrupted area of patent law. The U.S. Supreme Court has eviscerated 35 U.S.C. § 101, particularly concerning medical diagnostics and software. For example, in its *Mayo Collaborative Services v. Prometheus Laboratories* decision, the court conflated patent eligibility with novelty and nonobviousness in relation to method claims. In *Ass'n. for Molecular Pathology v. Myriad Genetics, Inc.*, the court confused composition of matter related to isolated DNA, despite section 101's explicit inclusion of materials and processes among patent-eligible subject matter and the Constitution's use of the word "discoveries" and 101's use of "discovers" in relation to patent eligibility.

In *Alice Corp. v. CLS Bank*, the court virtually eliminated the patenting of software, which *Alice* essentially dismissed as an abstract idea. This continued down the wrong road of the Supreme Court's upholding of the Federal Circuit Court of Appeals' ruling in *Bilski v. Kappos*. In their respective upholding of a Patent Office denial of patent eligibility for a software-based business method patent, the courts effectively overturned the *State Street* machine-or-transformation test, adding complexity and uncertainty regarding business methods and software. In short, courts have ignored plain statutory language and substituted their legislating for Congress's. None of the victim classes of inventions and discoveries should have been rendered ineligible for patents.

The right road to restoring appropriate breadth to section 101 requires policies by which Congress overrules the judicial arrogation of legislative power in this area of the law. It requires returning 101 jurisprudence to the "anything under the sun that is made by man" as the patent-eligible standard. Further, it requires eliminating the many judicially created exceptions; prohibiting courts from creating future patent eligibility exceptions; ensuring that considerations relating to sections 102, 103, or 112 of Title 35 do not enter into 101 determinations; requiring that 101 decisions assess the invention as a whole, rather than specific claims; specifying applied mathematical formulas, computer-implemented inventions, and modified natural or genetic matter as being patent-eligible; drawing a distinction between those types of patent-eligible subject matter and patent-ineligible, naturally occurring human genes and natural matter, a mathematical formula in and of itself, and mental processes. Many of the policies included in PERA would address these issues.

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OPERATIONS CENTER: PO BOX 618, ALTON, IL 62002 | (618) 462-5415

PHYLLIS SCHLAFLY CENTER, D.C.: 211 C St. NE, Washington, D.C. 20002 | (202) 544-0353

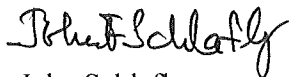
In addition, Eagle Forum Education & Legal Defense Fund observes that certain provisions in PERA would allay concerns about the prospect of human genes being patent-eligible under restored 101. Some opponents of 101 restoration have fomented the claim that reforming 35 U.S.C. section 101 would allow human genes and naturally occurring material to be patented. The apparent intent is to alarm prolife groups and individuals in hopes of actuating them to oppose 101 reform.

As a prolife organization that also is a conservative leader on patent issues, Eagle Forum ELDF reassures fellow proliferers who may have reservations about 101 reform. Laws of nature and naturally occurring substances, including the genes in our bodies, would not be patentable, under current law or reforms such as those in PERA, because the genes do not meet threshold criteria of section 101. Even were there a threshold level of “useful improvement,” human genes would fail to be patentable on grounds of novelty and obviousness.

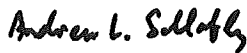
Gene-based diagnostic tests, such as assays, constitute the practical application of a discovery of the correlation between the presence of a certain, isolated gene and the probability of certain disease. These may appropriately be considered for patenting. Such discoveries and inventions do not patent human genes. They do promote human life and are consistent with prolife principles.

In conclusion, Eagle Forum Education & Legal Defense Fund commends your proposals for fixing problems courts have caused by unduly limiting what is regarded as patent-eligible subject matter. Such policies would return 101 to its proper role as a threshold criterion.

Respectfully,



John Schlafly
Treasurer



Andrew L. Schlafly
Counsel



James Edwards
Patent Policy Advisor



Statement from Heritage Action Executive Vice President Ryan Walker

“Heritage Action proudly supports the Patent Eligibility Restoration Act (PERA) and the Promoting and Respecting Economically Vital American Innovation Leadership Act (PREVAIL Act) to strengthen America’s patent system, drive innovation, and bolster our global competitiveness. Congress must act now to ensure the United States remains a global leader in technological advancement and secure a stronger, more competitive future for America.”



22 April 2025

Senator Thom Tillis
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Senator Chris Coons
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

In re: *Patent Eligibility Restoration Act (PERA)*

IEEE-USA fully supports the *Patent Eligibility Restoration Act (PERA)*. Thousands of individual U.S.-based members of IEEE depend on reliable and effective patent rights to secure the benefits of their inventions and technological innovations. High-tech inventions have driven the U.S. economy since IEEE was founded by Thomas Edison, Alexander Graham Bell, and Nicola Tesla over a century ago. Like Edison, Bell, and Tesla, IEEE members rely on predictable and effective patent rights to license or otherwise commercialize their inventions in the innovation economy, growing jobs, and contributing to economic growth.

Decisions on subject matter eligible for patent protection – the kind and type of inventions to be protectable under U.S. patent laws – should be made under predictable rules. Categories of inventions that are eligible for patent protection are defined in 35 U.S.C. §101 (“any ... process, machine, manufacture, or composition of matter, or any ... improvement thereof”).

However, judicial decisions have expressly created “exceptions” to the categories of subject matter defined by 35 U.S.C. §101 and promulgated various tests and criteria to determine when those exceptions apply. Those exceptions and criteria have narrowed the scope of innovations eligible for patenting and introduced uncertainty into what innovations are eligible for patent. The judicially created restrictions on patent eligibility put the United States at a competitive disadvantage as foreign governments seize on opportunities to expand the scope of eligible subject matter in their countries. Many inventions are patentable in China and Europe, but are ineligible in the U.S.

PERA eliminates the confusion created by courts as to what inventions are patent eligible and helps the U.S. regain a competitive edge in innovation. This legislation brings much-needed reform to subject matter eligibility, building into U.S. patent law the certainty as to which inventions are eligible for U.S. patent protection. PERA brings balance back to the patent system.

IEEE-USA thanks Senator Tillis and Senator Coons for sponsoring PERA and we ask that Congress pass this bill as soon as possible. Please do not hesitate to contact Erica Wissolik at e.wissolik@ieee.org or (202) 360-5023 if you wish to discuss the issue with us further.

Sincerely,

Nils Smith
IEEE-USA Vice President, Government Relations



For Immediate Release

May 1, 2025

Innovation Alliance Applauds Reintroduction of PREVAIL and PERA Patent Bills

Bipartisan, Bicameral Bills Will Strengthen Patent Rights to Promote U.S. Innovation and Global Technological Leadership

WASHINGTON, D.C. – Innovation Alliance Executive Director Brian Pomper today issued the following statement on the reintroduction of two bipartisan, bicameral pro-patent bills, the Promoting and Respecting Economically Vital American Innovation Leadership Act ([PREVAIL](#)) Act and the Patent Eligibility Restoration Act ([PERA](#)):

“The Innovation Alliance applauds the reintroduction of PREVAIL and PERA. We thank Senators Chris Coons (D-DE) and Thom Tillis (R-NC) for sponsoring both bills, Representatives Nathan Moran (R-TX) and Deborah Ross (D-NC) for sponsoring PREVAIL, and Representatives Kevin Kiley (R-CA) and Scott Peters (D-CA) for sponsoring PERA.

“Together, these bipartisan, bicameral bills represent a commitment to strengthening inventors’ rights and the U.S. innovation economy to ensure that we retain global technological leadership and can compete successfully with China and other countries around the world.

“The PREVAIL Act will restore much-needed fairness to the USPTO’s Patent Trial and Appeal Board (PTAB) process, help protect American innovators from harassment by Big Tech and other companies who violate intellectual property rights, and promote U.S. technological advancement.

“PERA, which was drafted following years of study and deliberation with key stakeholders, makes critical reforms to patent eligibility law that will help restore certainty and predictability to the U.S. patent system.

“The Innovation Alliance greatly appreciates the members on both sides of the aisle who came together to work on reasonable modifications to PREVAIL and PERA to address concerns raised last fall. We now urge Congress to take up and pass these bills as soon as possible.”

For more information on the PREVAIL Act, click [here](#).

For more information on PERA, click [here](#).

###

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.

Contact: Paige Rusher, (202) 315-2352
Paige@SevenLetter.com

February 17, 2026

The Honorable Charles Grassley
Chairman
Committee on the Judiciary
U.S. Senate
Washington, DC 20510

Dear Chairman Grassley:

Thank you for your leadership to ensure the Iowa innovation economy thrives. The undersigned represent Iowa inventors, startups, universities, accelerators, and intellectual property (IP) professionals. We write in strong support of three bipartisan patent bills that will strengthen the Iowa innovation economy: the PREVAIL Act ([S.1553/H.R.3160](#)), the Patent Eligibility Restoration Act ([S.1546/H.R.3152](#)), and the RESTORE Patent Rights Act ([S.708/H.R.1574](#)).

Strong, predictable patent rights are crucial to the Iowa economy. Iowa holds \$24.7 billion in IP,¹ and, according to the USPTO, IP-intensive industries support more than 30% of private-sector Iowa jobs.² Iowans have invented and patented thousands of new technologies in recent years, including cutting-edge innovations in agriculture and healthcare. In fact, Iowans regularly obtain more than 1,000 patents each year.³ These patent-protected inventions help create new jobs and attract hundreds of millions of dollars in federal government grants and venture capital investment to the state.⁴

Together, the PREVAIL, Patent Eligibility Restoration, and RESTORE Patent Rights Acts will catalyze continued innovation, job creation, and economic growth in Iowa. By providing inventors greater clarity and certainty around their ability to obtain and enforce patents, these bills would ensure that inventors may confidently invest in the research and development needed to invent new technologies and power the Iowa innovation economy.

We believe it is imperative that Congress act on these bills now:

- **RESTORE**—For more than two centuries, a patent owner whose rights had been infringed could obtain a court order to stop continued IP theft. Injunctions were granted in almost 95% of cases where patents were found valid and infringed, but Iowa inventors

¹ U.S. Chamber of Commerce Global Innovation Policy Center, *From Innovation to Employment: IP's Role in Job Growth* (accessed Oct. 16, 2025), https://www.uschamber.com/assets/documents/maps/ipjobs/IPFactSheet_Iowa.pdf.

² Andrew A. Toole, Richard D. Miller & Nicholas Rada, *Intellectual Property and the U.S. Economy: Third Edition*, U.S. Patent and Trademark Office (Mar. 2022), <https://www.uspto.gov/sites/default/files/documents/uspto-ip-us-economy-third-edition.pdf>, at 20.

³ U.S. Patent and Trademark Office, *Performance and Accountability Report: Fiscal Year 2021*, <https://www.uspto.gov/sites/default/files/documents/USPTOFY21PAR.pdf>, at 208.

⁴ See, e.g., Letter from Mark J. Braun, Iowa Board of Regents, to Iowa General Assembly (Nov. 11, 2024), <https://www.legis.iowa.gov/docs/publications/DF/1463244.pdf>.

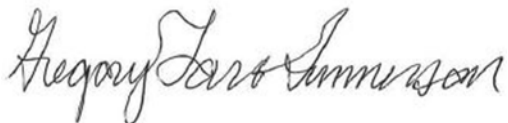
lost that protection in 2006.⁵ RESTORE would help Iowa inventors by reviving this right and stopping IP theft.

- **PREVAIL**—When Congress established the Patent Trial and Appeal Board (PTAB) as part of the 2011 America Invents Act, it intended to create a cost-effective alternative to federal court for patent challenges. However, large technology companies have instead exploited the PTAB since its inception, using it as an additional opportunity to attack patents of smaller competitors. PREVAIL would make commonsense changes to reduce PTAB abuse and return the tribunal to its core purpose. For example, PREVAIL would align the standard of proof for invalidating patents in the PTAB with the standard in federal court.
- **PERA**—The law is not clear on the rules around what technologies are eligible to be considered for a patent, especially in bioscience—a sector crucial to the Iowa economy. Uncertainty about patent eligibility discourages new innovation. PERA would clarify this area of patent law and provide Iowa inventors the certainty they need to confidently invest in new innovation.

Passing RESTORE, PREVAIL, and PERA will allow Iowa inventors to spend less time and resources in the courtroom protecting their inventions and more time and investment in the lab developing the next bioscience breakthrough.

We urge you to support these bills and to advance them through the Senate Judiciary Committee as soon as possible. Thank you for your attention to this matter.

Respectfully,



Gregory Lars Gunnerson, President, Iowa Intellectual Property Law Association



Jessica Hyland, Executive Director, Iowa Biotechnology Association



Marie Kerbeshian, Assistant Vice President and Executive Director, University of Iowa Research Foundation

⁵ Kristina M.L. Acri Née Lybecker, *Injunctive Relief in Patent Cases: the Impact of eBay* (Colo. Coll., Working Paper No. 2024-01, 2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4866108.

A handwritten signature in black ink, appearing to read "Heidi Nebel". The script is fluid and cursive.

Heidi Nebel, Partner, McKee, Voorhees & Sease, P.L.C.

A handwritten signature in black ink, appearing to read "James C. Register III". The signature is more stylized and includes a long horizontal flourish at the end.

James C. Register III, PhD, Interim President & CEO, BioConnect Iowa

July 9, 2026

The Honorable Charles Grassley
Chairman
Committee on the Judiciary
U.S. Senate
Washington, DC 20510

Dear Chairman Grassley:

We are Iowa inventors, and we write to ask you to support three bipartisan patent bills that will help us continue to innovate in our great state:

- (1) The Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act ([S.1553/H.R.3160](#));
- (2) The Patent Eligibility Restoration Act (PERA) ([S.1546/H.R.3152](#)); and
- (3) The Realizing Engineering, Science, and Technology Opportunities by Restoring Exclusive (RESTORE) Patent Rights Act ([S.708/H.R.1574](#)).

From the gas-powered tractor to the vending machine to the trampoline, the ingenuity of Iowans has brought us many exciting and noteworthy inventions. In fact, Iowans regularly obtain more than 1,000 patents each year for their inventions.

As President Abraham Lincoln once said, patent rights “add[] the fuel of interest to the fire of genius.” By giving inventors the exclusive right to their inventions for a limited time, patents incentivize us to invest in time-consuming, expensive, and risky research and development as we work to bring our ideas to life and ultimately to market.

However, in recent years, court decisions and other changes in U.S. patent law have made it much more difficult for inventors to obtain and enforce patent rights and therefore much less worthwhile for inventors to pursue their ideas. Three bipartisan bills—PREVAIL, PERA, and RESTORE—would help turn the tide back in favor of American innovation.

- (1) **PREVAIL**—Congress established the Patent Trial and Appeal Board (PTAB) as part of the 2011 America Invents Act (AIA) to create a more efficient and cost-effective alternative to federal court for patent challenges. Unfortunately, the PTAB has instead been abused by Big Tech and other large companies that launch repeated, duplicative attacks on the patents of smaller competitors to drain inventors’ limited resources, force inventors into unfavorable settlements, and stifle competition. PREVAIL would make commonsense changes to reduce PTAB abuse and make the process fairer for inventors.
- (2) **PERA**—Court decisions have muddled the rules around what inventions are eligible to be considered for a patent. When it is unclear if inventions can be patented, inventors are less likely to pursue their ideas in the first place. PERA would clarify patent eligibility and give Iowa inventors confidence to invest in new innovations.

(3) **RESTORE**—For more than two centuries, an inventor could stop an infringer from unlawfully making, using, selling, or importing their patented invention by obtaining an injunction. Injunctions were granted in approximately 95% of these cases, but inventors lost this protection in 2006 when the Supreme Court made it much more difficult to obtain an injunction. Injunction rates for inventors that license their patents have plummeted by more than 90%. Meanwhile, courts in China continue to grant injunctions 95% of the time. Inventors in the United States deserve rights at least as strong as inventors in China. RESTORE would help Iowa inventors combat predatory infringement and vindicate our constitutional right to determine who can make, use, sell, or import our inventions.

Together, these bills will help Iowa inventors by giving us the confidence that when we have an idea, we will be able to protect and defend it. We urge you to support PREVAIL, PERA, and RESTORE and to advance these bills through your committee as soon as possible.

Respectfully,

Jon Bakas, Iowa City
Amy Jo Brogan, Cedar Rapids
Sharon Campbell, Walnut
Mathew Conroy, Waterloo
Denise Cronin, Red Oak
Christina Gillett, Walcott
Greg Gormley, Lenox
Barry Jones, Minden
Tom Maring, Marion
Jack Marovets, Cedar Rapids
Robert Mauro, Eagle Grove
Frank Morosky, Cedar Rapids
Monica Murphy, Des Moines
Danielle Natt, Elliott
Nathaniell Odle, Lowden
Bruce Richardson, Cedar Rapids
Tim Riley, Amana
Larry Schroeder, Iowa City
Melvin Spencer, Sioux City
Tom Swegle, Des Moines
James Trotter, Shell Rock
Jimmy Turnage, Farley
Linda Ugi, Evansdale
Everett Wade, Newton
Steve Waithe, Boxholm
Alicia Williams, Rockwell

Laura A. Coruzzi, Ph.D., J.D.
70 East 10th Street, Apt 15M
New York, NY 10003
Email: laoruzzi@gmail.com
Cell: 917-544-0683

May 11, 2025

The Honorable Thom Tillis
Chairman
Subcommittee on Intellectual Property
Committee on the Judiciary
United States Senate
Washington, D.C. 20510
Peter_Pappas@judiciary-rep.senate.gov

The Honorable Chris Coons
Minority Member
Subcommittee on Intellectual Property
Committee on the Judiciary
United State Senate
Washington, D.C. 20510
James_Barton@judiciary-dem.senate.gov

By email

Re: Patent Eligibility Restoration Act of 2025 (“PERA 2025”)

Dear Senator Tillis and Senator Coons:

My heartfelt thanks and appreciation to you both for your efforts in drafting and re-introducing the Patent Eligibility Restoration Act, 2025 (“PERA 2025”) on May 1st, Law Day! This bipartisan, bicameral legislation uses a balanced approach that will restore eligibility to many important inventions in the biotech sector. I am certain that it will spur investment in potentially life-changing genetic approaches to medicine. I have sent letters supporting the legislation to each member of the Subcommittee on Intellectual Property and hope it will be scheduled for mark up soon. I am prepared to continue to work with you and other stakeholders as the language is refined and, hopefully, adopted into law.

I am a patent attorney with a Ph.D. in biology and over 30 years’ experience in the life sciences field: formerly a partner at the law firms of Pennie & Edmonds and Jones Day; most recently, Executive Vice President at REGENXBIO, a clinical stage biotech company that is developing gene therapies for serious life-threatening conditions; and currently its consultant.

Prior to entering the practice of law, I was a research scientist/postdoctoral fellow at Mt. Sinai School of Medicine in New York, where I witnessed the immense impact patents have on

Honorable Thom Tillis
Honorable Christopher A. Coons
May 11, 2025
Page 2 of 2

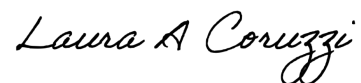
securing the private sector investment universities need to translate their groundbreaking discoveries to the clinic for the benefit of patients. I saw first-hand how the lack of patent protection stymied drug development for patients with critical needs. Simply put, patents benefit patients.

As you both know, the controversial Supreme Court decisions denying patent eligibility for lifesaving innovations, such as *Mayo* and *Myriad*, and the ensuing series of confused decisions of lower courts have created substantial uncertainty over whether investment in potentially life changing gene-related discoveries will be protected by the U.S. patent system. They have had adverse impacts on our diagnostic and therapeutic industries putting the United States behind other nations, especially China. Here are links to articles I have published on the topic which I shared with the IP Subcommittee members and I hope you find useful to support the bill: *Nature Biotechnology*, August 9, 2022: <https://rdcu.be/cTIEM>, and the *Albany Law Journal of Science and Technology*, vol 33, issue 1, 2023: <https://tinyurl.com/CoruzziALJST>.

If Congress acts to restore balance, predictability, and fairness into Section 101 of the Patent Code, many biotechnology companies, academic medical research centers, life science inventors, and – most importantly, patient advocacy organizations and families facing the enormous challenges presented by untreatable diseases stand to benefit. The certainty PERA 2025 will restore to United States patent rights will help to incentivize the private sector to invest in biotech and biomedical innovation—especially critical now in view of the current economic challenges and cuts in federal funding for such important medical research. I hope and urge that the Judiciary Committee take expeditious action to mark up and favorably report the bill to the Senate Floor.

In closing, I note with appreciation that both of you have been well served by your respective staffs working with a diverse group of intellectual property lawyers (myself included) on this complex matter of patent law. Once again, thank you both for digging in, working across the aisle and developing this legislation. I and many others stand ready to work with you during the mark up process and beyond.

Yours truly,



Laura A. Coruzzi, Ph.D., J.D.
Cell: 917-544-0683



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MDMA Statement of Support on Reintroduction of the Bipartisan “PREVAIL Act” and “PERA”

WASHINGTON, DC – The Medical Device Manufacturers Association’s (MDMA) President and CEO Mark Leahey issued the following statement today applauding the bipartisan reintroduction of the “Promoting and Respecting Economically Vital American Innovation Leadership Act (PREVAIL Act)” and the “Patent Eligibility Restoration Act (PERA):”

“MDMA thanks Senators Thom Tillis (NC) and Chris Coons (DE) for the bipartisan reintroduction of the ‘PREVAIL Act’ and ‘PERA.’ These important bills would strengthen intellectual property rights, which ultimately results in new innovative cures, therapies and diagnostics to help address the needs of patients and providers. The United States cannot maintain and grow our leadership position in medical technology innovation without strong IP protections in place, and the ‘PREVAIL Act’ and ‘PERA’ would support this critical work to bolster our ecosystem.”

###



Statement of Chuck Hong, co-founder and CEO of Netlist CEO in Support of the Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act and the Patent Eligibility Restoration Act (PERA)

April 30, 2025

As co-founder and CEO of Netlist, a small company that develops advanced memory technologies, I am writing to express our strong support for the Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act and the Patent Eligibility Restoration Act (PERA). I applaud Senator Thom Tillis and Senator Chris Coons for reintroducing these important bills and urge the Senate to ensure their swift passage.

The Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act provides a critical opportunity to restore predictability and balance to the U.S. patent system. By curbing serial abuse and preventing duplicative challenges, while still disincentivizing frivolous lawsuits by NPE's, this legislation will protect innovators like Netlist from being outspent and outmaneuvered by larger competitors seeking to avoid compensating smaller firms for their inventions. The PREVAIL Act's reforms are essential not only for fairness but for maintaining the integrity of our innovation ecosystem. We strongly support this legislation and urge Congress to pass the PREVAIL Act to protect America's inventors and ensure that innovation continues to thrive.

In addition to our support for the PREVAIL Act, Netlist also strongly endorses the Patent Eligibility Restoration Act (PERA). The current state of patent eligibility in the U.S. has become alarmingly uncertain, with vague standards making it difficult for inventors to determine whether their innovations qualify for patent protection. As a company that depends on the strength of its intellectual property, Netlist understands the frustration of navigating an unpredictable system that undermines investment in groundbreaking technologies and places U.S. firms at a competitive disadvantage on the global stage.

PERA addresses these issues by clearly defining what is and is not eligible for patenting, eliminating the arbitrary judicial exceptions that have confused and weakened patent eligibility. By providing a straightforward and predictable framework, PERA will ensure that truly novel and non-obvious inventions, like those developed by Netlist, can be patented without the risk of being dismissed as "abstract." This clarity is vital for fostering confidence among innovators and investors, empowering them to bring new technologies to market without fear of endless legal uncertainty.

Netlist urges Congress to pass both the PREVAIL Act and the Patent Eligibility Restoration Act. Together, these reforms will strengthen the U.S. patent system, protect inventors, and help ensure that America remains a global leader in innovation.

###



May 12, 2025

The Honorable Thom Tillis
113 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Chris Coons
218 Russell Senate Office Building
Washington, DC 20510

John Kolakowski
Head of IP Regulatory Affairs North
America
Nokia Technologies

Direct mobile: +1 202 468 4428
john.kolakowski@nokia.com

Dear Senators Tillis and Coons,

Nokia is a multinational telecommunications and information technology company founded in 1865. Our products and services focus on telecommunications infrastructure, including fixed and mobile networks, IP routing, optical networks, private networks, data centers and 5G solutions. We have played and continue to play a significant role in the development of wireless communication and other technology standards used around the world.

Nokia has a significant presence in the United States and is a key contributor to economic growth and vitality here. Nokia has approximately 7,500 U.S.-based employees across 17 U.S. office locations and two data centers. More than 40,000 indirect jobs have been created through Nokia's supplier ecosystem, and we have invested more than \$374 million into U.S. startups via our venture capital arm, NGP. Notably, Nokia also is the first manufacturer to commit to and produce Build America/Buy America-compliant products for the U.S. Broadband Equity, Access, and Deployment (BEAD) program.

Nokia solutions are essential to the security of U.S. critical infrastructure. Nokia is leveraging 5G, IP, IoT, and new data center technologies to improve agility, resiliency, and situational awareness for the U.S. Department of Defense and other federal mission-critical networks aligned with a defense-in-depth approach to network security.

Nokia has four U.S.-based Research & Development (R&D) Innovation Centers including Nokia Bell Labs Murray Hill, Dallas, Naperville and Sunnyvale-Almanor, where its scientists, engineers, partners, and customers build and test communications solutions. We have invested about 150 billion euros in R&D since 2000, which has helped us develop one of the largest, most diverse, and most valuable patent portfolios in the world. We hold over 20,000 patent families, with more than 7,000 declared as essential to the 5G communication standard, and revenue



derived from licensing our inventions is crucial to our business model and our ability to continue developing the next generations of mobile technologies.

I write today to reaffirm that Nokia is supportive of the proposed Patent Eligibility Restoration Act that you have recently reintroduced in the Senate. We believe it will grow U.S. investment, create jobs, and save lives by promoting innovation in fields like medical diagnostics, artificial intelligence, and other critical and emerging technologies. It will allow the U.S. to compete with other countries where these innovations are already patent-eligible. It will return patent eligibility standards to sensibly providing a “coarse filter” that eliminates from patentability only a few specific and well-understood categories of subject matter. Then the patent office can focus on whether a purported invention is novel, nonobvious and sufficiently definite as required by Sections 102, 103 and 112 of the Patent Act.

We also reiterate our support for the recently reintroduced PREVAIL Act. It will strengthen the innovation economy and create jobs by ensuring fairness for inventors facing challenges to their patents before the Patent Trial and Appeal Board (PTAB) by companies that abuse the system. Nokia has been before the PTAB as both a patent holder and petitioner. We feel on balance that the changes proposed to PTAB procedures by the bill are sensible and warranted, particularly as they would bring IPR proceedings back to their original intended purpose of providing a cost-effective alternative to district court patent invalidation proceedings (rather than allowing duplicative proceedings putting undue burdens on patent holders and giving patent challengers a “second bite at the apple”).

Best regards,

A handwritten signature in dark ink, appearing to read "Jan J. J. J.", written in a cursive style.



PO Box 14354, Research Triangle Park, NC 27709
919.281.8960

April 29, 2025

The Honorable Thom Tillis
US Senate
113 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Tillis,

On behalf of the North Carolina Life Sciences Organization, I want to thank you for reintroducing the Patent Eligibility Restoration Act and the Promoting and Respecting Economically Vital American Innovation Leadership Act. These two pieces of important legislation will bring much needed certainty and protection for patent holders, particularly those early innovators, crucial to American ingenuity.

PERA brings certainty and overdue clarity to Section 101 of the Patent Act. The existing uncertainty in the law has been a major impediment to the cutting-edge work of our innovators. In addition, this legislation would also afford US innovators the same protection now enjoyed by their foreign counterparts. At a time when the American people are demanding that critical industries be brought home, this equal treatment will be especially important.

The PREVAIL Act will empower startups and small businesses by realigning the Patent Trial and Appeals Board with Congress's original intent. Lawmakers had hoped the PTAB would provide a faster and cheaper alternative to costly federal court litigation. Instead, it has been abused to make it much harder and more expensive for small innovators to protect their patents. Promoting fair treatment for inventors, improving efficiency and ensuring the USPTO has adequate resources to administer the patent system will work to again incentivize American innovation and enable small entrepreneurial companies to compete.

As you know, NCLifeSci represents the life sciences industry in North Carolina with over 250 members, both large and small, the great majority of whom rely on intellectual property as the basis of their business and the lifeblood with which they can raise funds to advance their technology and hopefully provide treatments and cures for patients, food to feed the world and sustainable options for our climate.

NCLifeSci applauds your commitment to hearing from interested parties and we look forward to working with you and helping you to ensure passage of these important safeguards to our American patent system.

Sincerely,

Laura F. Gunter
President, NCLifeSci

Daniel Amburn, **Chairman** | Laura Gunter, **President** | Lauren Joyce, **Treasurer** | David Etchison, **Secretary** |
Samuel Taylor, **Immediate Past President** | Neal Fowler, **Immediate Past Chairman**

Directors: Tom Adams | Daniel Amburn | Tom Alapaattikoski | Harold Alterson | Andrew Barnhill | Sinu Bhandaru | Laurie Braxton | Christopher Capel
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Michelle Logan | Bennett Love | Julie Meigs | John Mikszta | Dan Peterson | Buck Phillips | David Posehn | Russ Read | Joe Ruiz | Marlene Sanders-
Seye | Kseniya Simpson | Leonardo Costa Siqueira | Heather Smith | Maria Stauffer | Daniel VonDielingen | Peter Wirth

Chairman Emeritus, John Irick | President Emeritus, Charles Hamner

July 13, 2026

The Honorable Chuck Grassley
Chairman
Senate Committee on the Judiciary
135 Hart Senate Office Building Washington, DC 20510

The Honorable Dick Durbin
Ranking Member
Senate Committee on the Judiciary
711 Hart Senate Office Building
Washington, DC 20510

The Honorable Thom Tillis
Chairman Intellectual Property Subcommittee
Senate Committee on the Judiciary
113 Dirksen Senate Office Building Washington,
DC 20510

The Honorable Adam Schiff
Ranking Member Intellectual Property Subcommittee
Senate Committee on the Judiciary
112 Hart Senate Office Building
Washington, DC 20510

Re: Letter of Patent Law and Innovation Scholars in Support of the Patent Eligibility Restoration Act (PERA)

Dear Chairman Grassley, Ranking Member Durbin, Chairman Tillis, and Ranking Member Schiff::

We write as academics who study patent law and innovation to encourage the Committee to advance the Patent Eligibility Restoration Act (PERA). PERA would strengthen U.S. competitiveness in high-tech industries by clarifying Section 101 of the Patent Act, which over time has been transformed from a simple filter for patent eligibility into a much broader test that Congress never intended.

Congress originally enacted Section 101 as a coarse screen to serve as a first test for patent eligibility. From the 1952 Patent Act until 2010, courts understood Section 101 to reach “anything under the sun that is made by man,” and not surprisingly, American innovation flourished during that period.

However, in the 2010s, a quartet of Supreme Court decisions—*Bilski v. Kappos*, *Mayo Collaborative Services v. Prometheus Laboratories*, *Association for Molecular Pathology v. Myriad Genetics*, and *Alice Corp. v. CLS Bank*—effectively displaced the statutory text with judicially created exceptions to patent eligibility. These rulings turned Section 101 into a two-step test that appears nowhere in the statute and whose key terms—“abstract idea” and “inventive concept”—the Court has never defined.

Since then, lower courts and the USPTO have applied that test inconsistently, denying protection to diagnostic methods, computer-implemented inventions, and other long-patentable subject matter. Further, the Supreme Court has refused multiple opportunities to clarify, despite requests from the Federal Circuit and the Solicitor General under multiple administrations. The result is that inventors,

examiners, and investors can no longer reliably predict what is patent-eligible.¹ Even in cases where patent eligibility remains clear, it is often narrower in scope than recognized by America's global rivals.²

These developments have been bad for business and for innovation. In a survey of 475 venture capital and private equity investors, 74 percent said patent eligibility is an important consideration in investment decisions, and 62 percent said their firms are less likely to invest where patents are unavailable, with the sharpest effects in biotechnology and medical devices.³ Between 2004 and 2017, patent-intensive industries' share of U.S. venture capital fell from over half to roughly 28 percent of total U.S. VC funding.⁴

Technologies critical to U.S. national competitiveness and national security have faced the most serious consequences. *Mayo* and *Myriad* cast doubt on protection for diagnostics, stunting research and development in biotechnology and genetic research.⁵ In artificial intelligence, new empirical evidence shows that AI patents are significantly more likely to be invalidated than comparable patents, driven principally by Section 101.⁶

China, in the meantime, has broadened eligibility for AI and other computer-implemented inventions. Its AI patent filings nearly tripled between 2019 and 2024 while U.S. filings remained flat—a gap that bears directly on American competitiveness in a defining technology.⁷

The Patent Eligibility Restoration Act would strengthen American innovation and competitiveness in these critical areas. It would eliminate the vague exceptions and two-step test established by recent Supreme Court rulings, replacing them with clear statutory exclusions while keeping basic knowledge and unmodified natural materials free for all. It would leave intact the requirements of novelty, nonobviousness, and enablement/written description under Sections 102, 103, and 112.

1 Kristen Jakobsen Osenga, *Restoring Predictability to Patent Eligibility* (IPPI: The IP Policy Institute, Mar. 2025); Kristen Jakobsen Osenga, *Fact Sheet: Patent Eligibility Restoration Act of 2025 (PERA)* (IPPI, updated Oct. 15, 2025). On the Court's refusals to take up the issue despite such requests, see *Athena Diagnostics, Inc. v. Mayo Collaborative Servs.*, 927 F.3d 1333 (Fed. Cir. 2019) (en banc denial with eight separate opinions urging clarification), and the Solicitor General's amicus briefs in *American Axle & Mfg., Inc. v. Neapco Holdings LLC*, No. 20-891 (May 2022), and *Hikma Pharms. USA Inc. v. Vanda Pharms. Inc.*, No. 18-817 (Dec. 2019).

2 Mark A. Cohen, Testimony Before the Subcomm. on Intellectual Property, S. Comm. on the Judiciary, Hearing on the Patent Eligibility Restoration Act, at 2–9 (Oct. 8, 2025) (contrasting China's broadening of eligibility for AI, software, and diagnostics-related inventions with U.S. narrowing; more than 1,300 U.S. applications abandoned after *Alice-Mayo* rejections had counterpart patents granted in China or Europe); Kevin Madigan & Adam Mossoff, *Turning Gold to Lead: How Patent Eligibility Doctrine Is Undermining U.S. Leadership in Innovation*, 24 GEO. MASON L. REV. 939 (2017), revised (2018). Kevin Madigan & Adam Mossoff, *The Value of Public Data: Update to Turning Gold to Lead*, (June 28, 2018).

3 David O. Taylor, *Patent Eligibility and Investment*, 41 Cardozo L. Rev. 2019 (2020).

4 Mark F. Schultz, *Declining Patent Reliability and Venture Capital Reallocation*, in *Bringing Medicines to Life: How Intellectual Property Enables Innovation in the Life Sciences* (Cambridge Univ. Press, forthcoming 2026).

5 Emily Michiko Morris, *A Response to 'Another Legislative Attempt to Revive Gene Patenting'*, Bill of Health, Petrie-Flom Center, Harvard Law School (Aug. 26, 2022); see also Schultz, *supra* note 4 (interview evidence on diagnostics and personalized medicine).

6 Amy Semet, *An Empirical Study of Artificial Intelligence Patent Litigation* (Univ. at Buffalo School of Law, working paper 2026).

7 Cohen, *supra* note 2, at 7–8, 11 (China's annual AI patent filings rose from 59,054 in 2019 to 188,757 in 2024; U.S. filings remained between 31,000 and 35,000).

PERA would not make everything patentable—but it would make eligibility predictable so that firms can again invest in cutting-edge innovation in the United States.⁸ We urge the Committee to advance this critical bill.

Respectfully submitted,

[Signatories] (institutional affiliations listed for identification purposes only)

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Gerald L. Schlessman Professor of Economics
Department of Economics & Business
The Colorado College
Senior Scholar, IPPI: The IP Policy Institute
The University of Akron School of Law

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Kristen Jakobsen Osenga
Associate Dean for Academic Affairs
Julie & John Nowak Faculty Research Scholar and Professor of Law
University of Richmond School of Law

⁸ See Osenga, *Restoring Predictability to Patent Eligibility*, supra note 1, at 3–4.

Senior Fellow for Innovation Policy & Senior Scholar
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Mark F. Schultz
Goodyear Tire & Rubber Company Chair in Intellectual Property Law
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David O. Taylor
Professor of Law
Co-Director, Tsai Center for Law, Science and Innovation
SMU Dedman School of Law



May 7, 2025

The Honorable Thom Tillis
Chairman
Subcommittee on Intellectual Property
Committee on the Judiciary
United States Senate
Washington, D.C. 20510
Peter_Pappas@judiciary-rep.senate.gov

The Honorable Chris Coons
Ranking Minority Member
Subcommittee on Intellectual Property
Committee on the Judiciary
United State Senate
Washington, D.C. 20510
James_Barton@judiciary-dem.senate.gov

By E-mail

Re: Patent Eligibility Restoration Act of 2025 ("PERA 2025")

Dear Chairman Tillis and Ranking Minority Member Coons:

REGENXBIO commends you both for your efforts in drafting and re-introducing the Patent Eligibility Restoration Act, 2025 ("PERA 2025"). This bipartisan, bicameral legislation will confirm patent eligibility of many inventions in the biotech sector using a balanced approach to address legitimate concerns of skeptics. We have sent letters supporting the legislation to each member of the Subcommittee on Intellectual Property and hope it will be scheduled for mark up soon. We are prepared to work with you and other stakeholders as the language is refined and, as we hope, adopted into law.

REGENXBIO is a clinical stage biotech company headquartered in Rockville, Maryland that is developing gene therapies for serious life-threatening conditions. Our technology platform, originated at the University of Pennsylvania, is the foundation for gene therapies that we have translated to the clinic for the benefit of patients. Using a single treatment, our gene therapies

Honorable Thom Tillis
Honorable Christopher A. Coons
May 7, 2025
Page 2 of 2

have the potential to correct disease allowing the body's natural mechanisms to work the way they were intended.

We are developing gene therapies for retinal, metabolic, and neurodegenerative diseases. In addition to our own clinical programs, REGENXBIO has partnered with others to enable the development of gene therapies based on our technology platform across a broad range of therapeutic areas and disease indications, including in an FDA-approved gene therapy for spinal muscular atrophy, a devastating, fatal genetic condition.

If Congress acts to restore balance, predictability, and fairness into Section 101 of the Patent Code, many biotechnology companies, academic medical research centers, life science inventors, and – most importantly, patient advocacy organizations and families facing the enormous challenges presented by untreatable diseases stand to benefit. PERA 2025 promises not only to facilitate the creation of next generation medical treatments but would also support America's continued world leadership in biomedical innovation and the employment opportunities for highly skilled U.S. workers that follow.

Because of the potential positive impact that the Section 101 reforms proposed in PERA 2025 could have on REGENXBIO and other biotech firms developing new treatments that may change the practice of medicine and the course of disease for literally millions of patients, we urge that the Judiciary Committee take expeditious action to mark up and favorably report the bill to the Senate Floor.

In closing, we note that both of you have been well served by your respective staffs working with a diverse group of intellectual property lawyers on this complex matter of patent law. Once again thank you both for working across the aisle and developing this legislation, and we assure you that we and many others stand ready to work with you during the mark up process and beyond.

Yours truly,

DocuSigned by:

E8080778EE25459...
Patrick J. Christmas II, J.D.
Chief Legal Officer

Proposed reforms now being considered by Congress would remove damaging uncertainties and strengthen US patents at a time of major technological change

As the operator of patent pools related to 5G, Wi-Fi, IoT and video, Sisvel has a front-row seat to the creation and implementation of the technology standards that power growth and connectivity. Patent licensing plays a decisive role in determining how the economic benefits of these advances are distributed. Royalty flows are shaped by patent law and policy across the world's major economies.

Today, most of the influential legal decisions in this fast-developing area are being made by judges in the EU, the UK, India and China. That's partly because over the last 20 years the United States has walked away from its traditional role as a champion of strong patent rights. Other jurisdictions have stepped in to fill the void, so it is their courts that are now writing the rules of the road for the technologies of the future.

Three bipartisan bills pending in Congress would help to change this. By removing uncertainties and pitfalls unique to the US patent system, they would give innovators the confidence to once again make US patents central to their commercial and legal strategies:

- The **RESTORE Act** - introduced in the Senate by Sen. Chris Coons (D-DE) and Sen. Tom Cotton (R-AR), and in the House of Representatives by Rep. Nathaniel Moran (R-TX) Rep. Chip Roy (R-TX), Rep. Deborah Ross (D-NC), Rep. Henry C. Johnson (D-GA), Rep. Madeleine Dean (D-PA) and Rep. Scott H. Peters (D-CA) - would give patent owners the tools they need to stop infringement through the courts.
- The **Patent Eligibility Restoration Act (PERA)** - introduced in the Senate by Sen. Chris Coons (D-DE) and Sen. Thom Tillis (R-NC), and in the House of Representatives by Rep. Kevin Kiley (R-CA) and Rep. Scott Peters (D-CA) - would provide much-needed clarity on what kinds of inventions are eligible for patent protection.
- The **PREVAIL Act** - introduced in the Senate by Sen. Chris Coons (D-DE), Sen. Thom Tillis (R-NC), Sen. Dick Durbin (R-IL) and Sen. Mazie Hirono (D-HI), and in the House of Representatives by Rep. Ken Buck (R-CO) and Rep. Deborah Ross (D-NC), Rep. Nathaniel Moran (R-TX) and Rep. Bill Posey (R-FL)- would place sensible limits on third-party attacks against granted patent rights.

Sisvel is a global business. The patent owners we work with come from every corner of the world. We support these commonsense, bipartisan bills because they will restore the strength to US patents they traditionally enjoyed.

RESTORE: Giving US patent owners tools to halt infringement

The core of the patent bargain is the disclosure of an invention in exchange for the time-limited right to exclude others from practising it. For most of US history, that meant patent owners that proved infringement were presumptively entitled to an injunction: a court order forcing the infringer to stop.

The 2006 *eBay* decision of the US Supreme Court did away with this presumption, replacing it with a four-factor test. In practice, this has drastically reduced the number of injunctions awarded to patent owners that have undertaken the difficult and expensive process of proving their claims in court.

Without the realistic prospect of injunctive relief, US patent holders have little leverage in negotiations with large companies that are using their inventions without permission, and which can hold out for years and years while reaping huge sums from the sale of infringing products.

Injunctions are much more readily obtained in other jurisdictions. This is one of the major reasons why so many important global patent cases are currently being decided outside the United States.

The RESTORE Act would effectively override the *eBay* decision, amending the patent statute with one simple, crucial paragraph:

If, in a case under this title, the court enters a final judgment finding infringement of a right secured by the patent, the patent owner shall be entitled to a rebuttable presumption that the court should grant a permanent injunction with respect to that infringing conduct.

Sisvel supports this bill which reinforces the private property rights inherent in the grant of a US patent and would restore to US courts a much more prominent role in global patent jurisprudence. We commend Senators Coons and Cotton, and Representatives Moran, Roy, Ross, Johnson, Dean and Peters for their initiative.

PERA: Providing clarity on what's patentable

PERA is an important step towards restoring predictability to the US patent system.

Over the past decade, the lack of clear guidance on patent eligibility has created significant uncertainty, particularly for cutting-edge technologies. A confusing and inconsistent body of judge-made law has proceeded from the Supreme Court's *Alice* (2012) and *Mayo* (2014) decisions, drawing criticism even from judges as they struggle to apply it.

PERA would sweep away the tangle of “judicial exceptions” to eligibility and instead re-affirm the plain language of 35 U.S. Code § 101 by clarifying that:

Any invention or discovery that can be claimed as a useful process, machine, manufacture, or composition of matter, or any useful improvement thereof, is eligible for patent protection.

However, the bill also sets out a list of bright-line, commonsense exceptions, excluding from patent eligibility:

1. A mathematical formula not part of a useful process, machine, manufacture, or composition of matter;
2. A mental process performed solely in the mind of a human being;
3. An unmodified gene, as that gene exists in the human body;
4. An unmodified natural material as that material exists in nature; and
5. A process that is substantially economic, financial, business, social, cultural, or artistic

Sisvel welcomes this clearer, simpler approach to subject matter eligibility, which will empower innovators to focus on creating transformative technologies without fear of arbitrary exclusions. We commend Senators Coons and Tillis, and Representatives Kiley and Peters for their initiative.

PREVAIL: Limiting third-party attacks on granted US patents

Another unique hazard for US patent holders is the Patent Trial and Appeals Board (PTAB), an administrative tribunal at the US Patent and Trademark Office (USPTO) established in 2012. Any party can use the PTAB to attack granted US patents while enjoying procedural advantages that would not be available in a court of law.

The PREVAIL Act would level the playing field by:

1. Requiring PTAB patent challengers to have standing;
2. Limiting serial petitions and duplicated arguments against the same patent;
3. Harmonising the PTAB's standards for claim interpretation and burden of proof with those of federal district courts; and
4. Streamlining disputes by forcing challengers to choose between challenging validity in the PTAB or in district court.

These measures strike an appropriate balance between maintaining stable and reliable patent rights while providing adequate opportunity to contest validity.

Sisvel supports this legislation, which would eliminate wasteful, duplicative disputes and curb opportunistic and abusive attacks on US patent rights. We commend Senators Coons, Tillis, Durbin and Hirono, and Representatives Buck, Ross, Moran and Posey for their initiative.



SBE Council Statement in Support of Bipartisan Bills to Strengthen U.S. Innovation and IP: PERA and PREVAIL Re-Introduced

**For Immediate Release
May 1, 2025**

Washington, D.C. – Today, bipartisan leaders in Congress who are spearheading efforts to protect and strengthen intellectual property (IP) are re-introducing the Patent Eligibility Restoration Act (PERA) and the Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act. Small Business & Entrepreneurship Council (SBE Council) President & CEO Karen Kerrigan issued the following statement supporting the bipartisan measures, and noted their importance to startups, entrepreneurs, and small businesses:

“SBE Council is grateful for the bipartisan leadership of House and Senate members who are re-introducing the PERA and the PREVAIL Act. This is especially noteworthy given the small business community continues [to celebrate and mark World IP Day](#) and the renewed momentum behind Administration and congressional efforts to strengthen and protect U.S. intellectual property (IP).”

“Both PERA and PREVAIL offer important reforms that are especially important for startups and small businesses, as complex processes and systemic abuses within the patent system place IP protections in peril. This means creators, innovators, and entrepreneurs are challenged to bring their ideas to the market and raise the necessary capital to build their businesses and compete with larger entities. In the end, U.S. innovation suffers as does competitiveness, economic growth, market vibrancy, and job creation.”

“PERA provides clear, predictable rules for what inventions are eligible for patents. A reform that will make the patent process less complex and costly for entrepreneurs and inventors. PREVAIL restores fairness to the U.S. patent system by addressing imbalances at the PTAB through a series of critical reforms. It closes procedural loopholes, limits duplicative attacks on the same patent, aligns the standards of review with those used in federal courts, and ensures that only parties with a legitimate interest can challenge a patent. Moreover, the bill includes provisions to make patent tools more accessible to smaller firms, along with a mandate for the Small Business Administration to study and report on how the system can better support innovative small businesses.”

“These reforms are critical - MIT researchers [found](#) that startups with a patent are 87 times more likely to grow than those without one. American ingenuity is driven by inventors, creators and entrepreneurs who pursue their ideas with passion and take risks to the betterment of our economy and society. Legal frameworks and protections that support their efforts and protect

their IP is needed to fuel this innovation. PERA and PREVAIL are important reforms that will boost the innovative capacity of entrepreneurs and our nation.”

CONTACT:

KAREN KERRIGAN, kkerrigan@sbecouncil.org

RAYMOND KEATING: rkeating@sbecouncil.org

SBE Council is a nonpartisan advocacy, research and education organization dedicated to protecting small business and promoting entrepreneurship. For more than 30 years, SBE Council has advanced a range of private sector and public policy initiatives to strengthen the ecosystem for strong startup activity and small business growth.

Visit www.sbecouncil.org for additional information. X: @SBECouncil

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May 6, 2025

The United States Senate Committee on the Judiciary
Subcommittee on Intellectual Property
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Thom Tillis and Senator Chris Coons,

As a patient and the founder of [Survivors for Solutions](#), an advocacy organization that works to protect the medical innovations that give people hope, I want to thank you for reintroducing the bipartisan Promoting and Respecting Economically Vital American Innovation Leadership Act (PREVAIL) and Patent Eligibility Restoration Act (PERA). These vital pieces of legislation will protect patients by enacting essential reforms to safeguard their continued access to future treatments and cures.

As a multiple sclerosis (MS) survivor who has been fortunate to have access to several breakthrough treatments in the more than three decades I've been living with my disease, I understand firsthand the impact of medical innovation. At the time of my diagnosis, there was not a single medication available to slow my disease's progression. I credit America's life sciences pipeline and the intellectual property rights that incentivize new development for my independence, career, and family. I speak for myself and for many other patients across the country when I say that any threats to patent protections and, therefore, medical innovation, are extremely discouraging and disheartening.

Unfortunately, such threats run rampant in our current system. Inefficiencies with the Patent Trial and Appeal Board (PTAB) have made it a breeding ground for the challenging of patents on drugs resulting from research and development programs. Duplicative intellectual property disputes threaten years of research into breakthrough treatments or medical devices that could have a ripple of negative effects on care delivery. Additionally, these threats create additional uncertainty that disincentivizes innovators from investing time and resources in future developments. Thankfully, the PREVAIL Act would implement reforms to protect intellectual property and ensure that our nation has a fair patent system that fosters innovation of life-changing medications and cures.

Furthermore, PERA would also protect the patent system by helping to clarify the law in light of various court decisions that make it more difficult for American innovators to invest in the critical research and development ventures from which so many patients are downstream. We cannot allow the uncertainty and restraints established by court decisions to run the risk of discouraging this innovation or, even worse, driving it to other countries more receptive to issuing patents on these innovations, putting these cures further out of reach for American patients. Instead, we must unleash the innovation flywheel, starting by ensuring researchers and inventors know the ecosystem exists in a policy framework that will protect the intellectual property (IP) of groundbreaking innovations and reward their contributions.

As I know from personal experience, the value of the hope that breakthrough treatments provide to patients cannot be overstated. Passing the PREVAIL and PERA Acts would restore this hope by halting unnecessary threats to medical innovation. As any patient, particularly one struggling with a rare, chronic, or life-threatening illness will tell you, there is nothing more powerful than the hope for the development of a cure for their condition. I urge you to continue your push to prioritize these patients

and their hope by protecting innovation and working with your colleagues to pass the PREVAIL and PERA Acts swiftly.

Please let me know if you have any questions. Thank you for your time.

Sincerely,

John Czwartacki

Founder and Chairman of Survivors for Solutions

www.survivorsforsolutions.org