



March 20, 2018

## University Associations Support Bipartisan STRONGER Patents Act

*The Association of American Universities, Association of American Medical Colleges, Association of Public and Land-grant Universities, Association of University Technology Managers, and Council on Governmental Relations today released the following statement regarding the introduction of the STRONGER Patents Act in the U.S. House of Representatives.*

We thank Representatives Steve Stivers (R-OH) and Bill Foster (D-IL) for introducing the STRONGER Patents Act, bipartisan legislation that would effectively crack down on abuses of the U.S. patent system while taking steps to improve that system. Universities and medical schools rely on a robust, equitable patent system to ensure research discoveries can be transferred to businesses that can develop them into marketable products that improve our quality of life and fuel the economy. This measure would help ensure the strength of this technology transfer process, which contributes significantly to our nation's leadership in science and technology. We look forward to continuing to work with Congress, as well as with USPTO Director Andrei Iancu, toward our shared goals of curtailing abusive patent litigation and reinforcing the strength of the U.S. patent system.

*Founded in 1900, the Association of American Universities comprises 62 distinguished institutions that continually advance society through education, research, and discovery.*

*Our universities earn the majority of competitively awarded federal funding for academic research, are improving human life and wellbeing through research, and are educating tomorrow's visionary leaders and global citizens.*

*AAU members collectively help shape policy for higher education, science, and innovation; promote best practices in undergraduate and graduate education; and strengthen the contributions of research universities to society.*



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*Conservative Action Starts Here – bringing you CPAC, Congressional ratings, and principled policy solutions*

## **STRONGER Patents Act Protects Innovators, Inventors, and Constitutional Patent System**

March 20, 2018

ALEXANDRIA, VA — Today, the American Conservative Union (ACU) announced its support for the STRONGER Patents Act of 2018. The measure, sponsored by Representative Steve Stivers (R-OH) and Representative Bill Foster (D-IL), protects American innovators, creators, and inventors by strengthening our constitutionally-protected patent system. The STRONGER Patents Act would implement commonsense modernization measures that allow our patent system to keep up with rapidly changing technologies that impact the lives of all Americans.

The bill includes a number of components that will positively impact intellectual property rights:

- Restores the foundation of patents as property rights
- Minimizes abuse of post-grant proceedings by strengthening qualifiers for legal standing
- Places priority of patent validity with the courts if legal proceedings have already begun
- Provides for expedited processes for patent owners seeking amendments to claims
- Eliminates repetitive proceedings

Congress remains a crucial player in making sure that intellectual property rights are strengthened and preserved so that IP continues to be a critical cornerstone of our economic well-being. The STRONGER Patents Act helps to achieve that goal.

“Intellectual property is the bedrock of American freedom and the engine of our nation’s prosperity. It is the source of creativity, innovation, and ingenuity which has made America the envy of the free world,” said **ACU Executive Director Dan Schneider**. “The STRONGER Patents Act strengthens our patent system and weeds out the bad actors who have tried to defraud both patent holders and legitimate patent users of valuable inventions.”

ACU urges all members of the House to vote YES on the STRONGER Patents Act.



# STRONGER Patents Act would restore America as best place to protect intellectual property

 [getliberty.org/2018/03/stronger-patents-act-would-restore-america-as-best-place-to-protect-intellectual-property/](https://getliberty.org/2018/03/stronger-patents-act-would-restore-america-as-best-place-to-protect-intellectual-property/)

Press

March 20, 2018

March 20, 2018, Fairfax, Va.—Americans for Limited Government President Rick Manning today issued the following statement praising introduction of the STRONGER Patents Act by Steve Stivers (R-Ohio) and Bill Foster (D-Ill.):

"The protection of intellectual property has been central to America's success as an economic and innovation leader in the world. Our founders understood the importance of intellectual property and enshrined it in our Constitution. Unfortunately changes in recent years have weakened those protections and the U.S. has begun to lose its place as the innovation capital of the world. The STRONGER Patents Act introduced today by Reps. Stivers and Foster — along with the Senate version introduced by Sens. Coons and Cotton — begins to lay out the framework to restore America as the best place in the world to protect intellectual property.

"Through changes, such as reforming the Patent Trial and Appeal Board process, which is stacked against patent owners, and ending the diversion of patent fees, this bill will boost U.S. competitiveness and strengthen property rights protections for innovators. These reforms are long overdue and deserve the support of those who want to advance economic growth and prosperity."

Interview Availability: Please contact Americans for Limited Government at 703-383-0880 ext. 106 or at [media@limitgov.org](mailto:media@limitgov.org) to arrange an interview with ALG experts.

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Web: [www.bio.org](http://www.bio.org) Blog: [www.biotech-now.org](http://www.biotech-now.org) Twitter: [@IAmBiotech](https://twitter.com/IAmBiotech)

**For Immediate Release**

**Contact:** [George Goodno](#)  
202-962-6660

## **BIO Statement of Support for the STRONGER Patents Act**

**Washington, D.C. (March 20, 2018)** – The following statement on the House introduction of the STRONGER Patents Act by Representatives Steve Stivers (R-OH-15) and Bill Foster (D-IL- 11) may be attributed to Tom DiLenge, BIO's President, Advocacy, Law & Public Policy Division:

"BIO supports balanced reforms to reduce abusive patent practices – both by patent owners and against patent owners. But we also must strengthen the incentives needed to sustain our nation's global leadership in biotechnology innovation and the creation of high-wage, high-value jobs throughout our country. With the introduction of the STRONGER Patents Act, Congress has begun the process of achieving that critical balance.

"I commend Representatives Stivers and Foster for their leadership in introducing legislation that will reform the inter partes review and post-grant review processes, bringing fairness and finality to these Patent Office proceedings. The bill also will enhance patent quality by ensuring that all fees paid to the Patent Office are used for their intended purposes, and will crack down on abusive patent demand letters.

"Strong patents are the lifeblood of the biotechnology industry. They are critical in ensuring a steady stream of capital to biotechnology companies developing innovative medicines and more sustainable sources of energy and agricultural products. And they are essential to the technology transfer process that leads from inventions in the lab to products on the shelves.

"The majority of biotechnology companies are small companies that have no products on the market, and thus their research and development activities are funded through massive amounts of private sector investment over many years, sometimes even decades. Without strong, predictable and enforceable protections for patented inventions, investors will shy away from investing in biotech innovation, degrading the ability to provide solutions to the most pressing medical, agricultural, industrial and environmental challenges facing our nation and the world.

"BIO supports the STRONGER Patents Act and will continue to advocate for passage of legislation to strengthen the ability of patent owners to fairly defend their inventions and businesses against infringement."

-more-

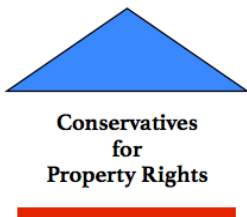
**About BIO**

BIO is the world's largest trade association representing biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States and in more than 30 other nations. BIO members are involved in the research and development of innovative healthcare, agricultural, industrial and environmental biotechnology products. BIO also produces the [BIO International Convention](#), the world's largest gathering of the biotechnology industry, along with industry-leading investor and partnering meetings held around the world. BIO produces [BIOtechNOW](#), an online portal and monthly newsletter chronicling "innovations transforming our world." [Subscribe to BIOtechNOW](#).

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AMERICAN COMMITMENT



February 22, 2017

Dear Members of Congress,

On behalf of the undersigned organizations, representing millions of Americans, we urge you to support S.1390, the STRONGER Patents Act of 2017. The STRONGER Patents Act will provide relief and support to American creators and innovators by restoring the historic strength of the U.S. patent system.

Enshrined in the Constitution, the patent system is the cornerstone of our nation's prosperity and a major driver of economic growth. Article I, Section 8, grants Congress the authority: "To promote the Progress of Science and useful Arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." Our founding fathers understood that innovation was critical to economic growth and quality of life, and that, the only way to encourage innovation was to reward and protect it. Their foresight led to unparalleled advances in science and technology that have fueled American strength and improved people's lives all over the world.

Abraham Lincoln, the only U.S. president to ever own a patent, once stated that patents "added the fuel of interest to the fire of genius in the discovery and production of new and useful things." One-hundred-and-fifty years old, that quote has never been more relevant than it is today.

With patents, the numbers speak for themselves. America's innovation economy has led to our collective ownership of one-fourth of the 10.6 million active patents worldwide. IP-related U.S. industries account for \$5.8 trillion, or 35% of our GDP and for 74% of total U.S. exports, nearly \$1 trillion in value. America's IP industries also employ over 40 million workers in high paying jobs, paying employees approximately 30% more than average.

All of this, however, is at risk. The American patent system, once the global "Gold Standard," has been systematically weakened in recent years. A new government board created in 2012, the Patent and Trademark Appeals Board (PTAB), has been dubbed a "patent death squad" by one former federal judge. The panel eliminates at least one patent claim in an astounding 81% of petitions it hears.

The U.S. Chamber of Commerce's ranking of National Patent Systems of 45 countries in its 2017 Global IP Index reflects PTAB's impact. As detailed in the Index, the U.S., which has historically had the strongest patent system in the world, has slipped to tenth place, in a dead tie with Hungary. If we don't immediately reverse course and protect our patent system, American ingenuity will be increasingly offshored.



The importance of supporting America's patent system is clear — and so too is the need for a legislative solution to defend the foundation of patents as property rights and restore balanced in the patent process that is so integral to American investment in job creation and innovation.

We applaud the bipartisan effort of Sen. Chris Coons (D-Del.) and Sen. Tom Cotton (R-Ark.) for championing S.1390, the STRONGER Patents Act of 2017. STRONGER patents will reverse the missteps that have crippled American inventors and entrepreneurs and undermined U.S. inventiveness.

We urge you to support and pass S.1390, the STRONGER Patents Act of 2017, to restore the well-established American patent system. Thank you for your consideration.

Sincerely,

Jeffrey Mazzella, President, **Center for Individual Freedom**

Lisa B. Nelson, CEO, **ALEC Action**

Dick Patten, President, **American Business Defense Council**

Phil Kerpen, President, **American Commitment**

Daniel Schneider, Executive Director, **American Conservative Union**

Dee Stewart, President, **Americans for a Balanced Budget**

Ginvera Joyce Meyers, Executive Director, **Center for Innovation and Free Enterprise**

James Edwards, Executive Director, **Conservatives for Property Rights**

Matthew Kandrach, President, **Consumer Action for a Strong Economy**

Hance Haney, Director of Technology & Democracy Project, **Discovery Institute**

Ed Martin, President, **Eagle Forum Education & Legal Defense Fund**

Paul Caprio, Director, **Family Pac Federal**

Jason Pye, Vice President of Legislative Affairs, **FreedomWorks**

George Landrith, President, **Frontiers of Freedom**

Michael A. Needham, CEO, **Heritage Action for America**

Tom Giovanetti, President, **Institute for Policy Innovation**

Seton Motley, President, **Less Government**

Colin A. Hanna, President, **Let Freedom Ring**

Karen Kerrigan, President & CEO, **Small Business & Entrepreneurship Council**

James L. Martin, Founder/Chairman, **60 Plus Association**

David Williams, President, **Taxpayers Protection Alliance**

Jenny Beth Martin, Chairman, **Tea Party Patriots Citizens Fund**

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



March 20, 2018

The Honorable Steve Stivers  
1022 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Bill Foster  
1224 Longworth House Office Building  
Washington, D.C. 20515

Dear Representatives Stivers and Foster:

On behalf of California Life Sciences Association (CLSA) – the statewide public policy organization representing California’s leading life science innovators, including medical device, diagnostic, biotechnology and pharmaceutical companies, research universities and private, non-profit institutes, and venture capital firms – I am writing to express our strong support for H.R. 5340, the *Support Technology and Research for Our Nation’s Growth and Economic Resilience (STRONGER) Patents Act of 2018*. We supported the *STRONG Patents Act of 2015* and appreciate your thoughtful approach to this revised legislation and continued efforts to curb abusive patent litigation practices while maintaining and strengthening important patent-holder rights and protections.

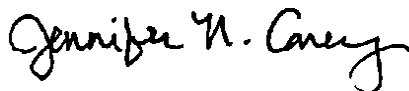
As you know, life sciences research is extremely expensive and attracting investment into companies developing the next generation of treatments, therapies, and technologies depends on a strong, reliable patent system. The biomedical industry in California consists mainly of relatively small, entrepreneurial, and venture capital-backed firms that have yet to bring products to market. For these companies, intellectual property (IP) is typically their most valuable and sometimes only asset. Thus, patent certainty and enforcement rights remain a top priority for California’s research universities, institutes and biomedical companies large and small.

The *STRONGER Patents Act* would strengthen the U.S. patent system for every sector of the economy while targeting abuses by so-called “patent trolls.” CLSA believes patent litigation legislation must recognize and reflect the full spectrum of sectors reliant on a well-functioning U.S. patent system – the *STRONGER Patents Act* achieves this end by proposing balanced reforms focused on cracking down on deceptive demand letters, eliminating diversion of US Patent and Trademark Office (PTO) user fees, and protecting the rights of American innovators.

CLSA is pleased to join a broad and diverse group of stakeholders in endorsing the *STRONGER Patents Act*. We applaud your leadership on this important issue and look forward to supporting your efforts to enact this bill.

Please let me know if CLSA can be of assistance to you – I can be reached at [jcarey@califesciences.org](mailto:jcarey@califesciences.org) or (202) 743-7559.

Sincerely,



Jennifer Nieto Carey  
Vice President – Federal Government Relations & Alliance Development







Conservatives  
for  
Property Rights

March 19, 2018

The Honorable Steve Stivers  
1022 Longworth House Office Building  
United States Congress  
Washington, DC 20515

The Honorable Bill Foster  
1224 Longworth House Office Building  
United States Congress  
Washington, DC 20515

Dear Representatives Stivers and Foster:

Conservatives for Property Rights fully supports the STRONGER Patents Act. Thank you for your leadership on this important property rights matter.

CPR emphasizes the central importance of private property in all its forms — physical, personal, and intellectual. The right to private property ranks among the unalienable rights the Founders referenced in the Declaration of Independence. Thus, property rights should not be considered a conservative or liberal issue, although this coalition approaches property rights from a conservative philosophical perspective.

The STRONGER Patents Act seeks to strengthen private property rights. The bill would curb the worst aspects of the inter partes review proceedings, which have provided patent infringers, hedge funds, and speculators a playground to challenge patent validity repeatedly and viciously. Practically speaking, such misconduct and abuse have deprived inventors of a property right that the Constitution says is to be exclusive for a period of time. Your bill imposes limits on inter partes challenges, addresses problem areas such as claim construction, burden of proof, standing, appeals rights upon becoming a target of inter partes challenges, ascertaining challengers' real party in interest, deference to Article III judicial reviews of patent validity, amending patent claims, and providing greater due process to patent owners as to the postgrant PTAB judges involved at different stages. These measures would help alleviate the damage inflicted on our patent system, on inventors who face the prospect of lost commercial traction during what is supposed to be their exclusive ownership and use of their invention, and on the erosion of property rights in the patent space.

Further, CPR commends the bill's restoration of injunctive relief against patent infringers, elimination of patent application fee diversion from the PTO, closure of loopholes regarding patent infringement, attention to particular needs of small businesses and universities, and an appropriately balanced approach to abusive patent-related demand letters.

*"protecting the exertions of talents and industry . . . securing to them their justly acquired fruits"*  
— Alexander Hamilton

Conservatives for Property Rights commends the STRONGER Patents Act and looks forward to working with you to educate Members on the underlying property rights at issue here.

Sincerely,

James Edwards  
Executive Director  
Conservatives for Property Rights

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

Dick Patten  
President  
American Business Defense Council

Kevin L. Kearns  
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*"protecting the exertions of talents and industry . . . securing to them their justly acquired fruits"*  
— Alexander Hamilton



## The STRONGER Patents Act: The House Receives Its Own Legislation to Protect Our Innovation Economy

David Lund  
March 20, 2018

Today, Representatives Steve Stivers (R-OH) and Bill Foster (D-IL) introduced the Support Technology & Research for Our Nation's Growth and Economic Resilience (STRONGER) Patents Act of 2018. This important piece of legislation will protect our innovation economy by restoring stable and effective property rights for inventors. This legislation mirrors a bill already introduced in the [Senate](#), which I have previously [discussed](#).

The STRONGER Patents Act accomplishes three key goals to protect innovators. First, the Act will make substantial improvements to post-issuance proceedings in the USPTO to protect patent owners from administrative proceedings run amok. Second, it will confirm the status of patents as property rights, including restoring the ability of patent owners to obtain injunctions as a matter of course. Third, it will eliminate fee diversion from the USPTO, assuring that innovators are obtaining the quality services they are paying for.

First and foremost, the STRONGER Patents Act aims to restore balance to post-issuance review of patents administered by the USPTO's Patent Trial and Appeal Board (PTAB). The creation of the PTAB was a massive [regulatory overreach](#) to correct a perceived problem that could have been better addressed by providing more resources towards initial examination. While the USPTO has long been responsible for issuing patents after a detailed examination, it has recently taken on the role of killing patents the same USPTO previously issued. What the USPTO gives with the one hand, it [takes with the other](#).

[Data](#) analyzing PTAB outcomes demonstrates just how dire the situation has become. [Coordinated and repetitive challenges](#) to patent validity have made it impossible for patent owners to ever feel confident in the value and enforceability of their property rights. In some cases, [more than 20](#) petitions have been filed on a single patent. Although recent headway has been made to [address](#) this issue in the administrative context, it only listed factors to be used when evaluating serial petitions. A more complete statutory solution that prohibits serial petitions except in limited circumstances is necessary to fully protect innovators and provide certainty that these protections will continue.

The kill rate of patents by the PTAB is remarkable. In only [16%](#) of final written decisions at the PTAB does the patent survive unscathed. The actual impact on patent owners is far worse. Disclaimer and [settlement](#) are alternate ways a patent owner can lose at the PTAB prior to a final written decision. Thus, the fact that [only 4% of petitions](#) result in a final written decision of patentability is more reflective of the burden patent owners faced when dragged into PTAB proceedings.

For these reasons, the PTAB has been known as a “[death squad](#).” This sentiment has been expressed not only by those who are disturbed by the PTAB’s behavior, but also those—such as a [former chief judge](#) of the PTAB—who are perpetuating it. The list of [specific patents](#) that have been invalidated at the PTAB is mind-boggling, such as an advanced detector for detecting leaks in gas lines.

There are even examples where the PTAB has invalidated a patent that had [previously been upheld](#) by the Federal Circuit Court of Appeals. One recent examination further found that there have been at least 58 patents that were upheld in federal district courts that were invalidated in the PTAB on [the same statutory grounds](#). The different results are not mere happenstance but are the result of [strategic behavior](#) by petitioners to strategically abuse the procedures of PTAB proceedings.

It has been well known that the procedures have been [stacked against patent owners](#) from day one. We and others have noted how [broadly construing claims](#), [multiple filings](#) against the same patent by the same challengers, and the [inability](#) to amend claims, among other [abuses](#), severely disadvantage patent owners in PTAB proceedings.

With the STRONGER Patents Act, these proceedings will move closer to a fair fight to truly examine patent validity. There are many aspects to this legislation that will improve the PTAB, such as:

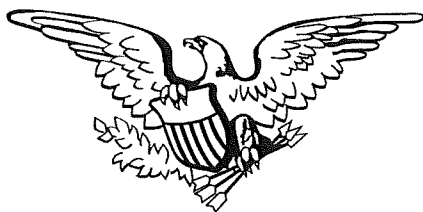
- Harmonizing the **claim construction** standard with litigation, focusing on the “ordinary and customary meaning” instead of the broadest interpretation a bureaucrat can conceive. This will promote consistent results when patents are challenged, regardless of the forum, by assuring that a patent does not mean different things to different people. Sections 102(a) and 103(a).
- Confirming the **presumption of validity** of an issued patent will apply to the PTAB just as it does in litigation. This will allow patent owners to make investments with reasonable security in the validity of the patent. Sections 102(b) and 103(b).
- Adding a **standing** requirement, by permitting only those who are “charged with infringement” of the patent to challenge that patent. This will prevent the abusive and extortionate practice of challenging a patent to extract a settlement or short a company’s stock. Sections 102(c) and 103(c).
- Limiting abusive repetitive and **serial challenges** to a patent. This will prevent one of the most common abuses, by preventing multiple bites at the apple. Sections 102(d), (f) and 103(d), (f).
- Authorizing **interlocutory review of institution** decisions when “mere institution presents a risk of immediate, irreparable injury” to the patent owner as well as in other important circumstances. This change will allow early correction of important mistakes as well as provide for appellate review of issues that currently may evade correction. Sections 102(e) and 103(e).
- Prohibiting manipulation of the identification of the **real-party-in-interest** rules to evade estoppel or other procedural rules and providing for discovery to determine the real-party-in-interest. Because many procedural protections depend on identifying the real party-in-interest, this change will assure that determining who that real party is can occur in a fair manner. Sections 102(g) and 103(g).
- Giving **priority to federal court** determinations on the validity of a patent. Although discrepancies will be minimized by other changes in this Act, this section assures that the federal court determination will prevail. Sections 102(h) and 103(h).

- Improving the procedure for **amending** a challenged patent, including a new expedited examination pathway. This section goes further than *Aqua Products*, prescribing detailed procedures for adjudicating the patentability of proposed substitute claims and placing the burden of proof on the challenger. Sections 102(i) and 103(i).
- Prohibiting the **same administrative patent judges** from both determining whether a challenge is likely to succeed and whether the patent is invalid. This section will confirm the original design of the PTAB by assuring that the decision to institute and final decision are separate. Section 104.
- Aligning **timing requirements for ex parte reexamination** with *inter partes* review by prohibiting requests for reexamination more than one year after being sued for infringement. This section will prevent abuses from the multiple post-grant procedures available in the USPTO. Section 105.

Second, the STRONGER Patents Act will make other necessary corrections to allow patents to promote innovation. For example, as Section 101 of the Act confirms, patents are property rights and deserve the same remedies applicable to other kinds of property. In *eBay v. MercExchange*, the Supreme Court ignored this fundamental premise by holding that patent owners do not have the presumptive right to keep others from using their property. Section 106 of the STRONGER Patents Act will undo the disastrous *eBay* decision and confirm the importance of patents as property.

Third, the STRONGER Patents Act will once and for all eliminate USPTO fee diversion. Many people do not realize that the USPTO is funded entirely through user fees and that no taxpayer money goes to the office. Despite promises that the America Invents Act of 2011 would end fee diversion, the federal government continues to redirect USPTO funds to other government programs. This [misguided tax on innovation](#) is long overdue to be shut down.

Each of the steps in the STRONGER Patents Act will help bring balance back to our patent system. In addition to the major changes described above, there are also smaller changes that will be important to ensuring a vibrant and efficient patent system. CPIP co-founder [Adam Mossoff](#) testified to Congress about the [harms being done to innovation](#) through weakened patent protection. It is great news to now see Congress taking steps in the right direction.



February 21, 2018

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Honorable Steve Stivers

1022 Longworth Office Building

U.S. House of Representatives

Washington, DC 20515

The Honorable Bill Foster

1224 Longworth Office Building

U.S. House of Representatives

Washington, DC 20515

Dear Congressman Stivers and Congressman Foster:

Eagle Forum Education & Legal Defense Fund, a national public policy organization with members and leaders across the country, firmly believes in our nation's constitutionally grounded intellectual property rights and the ability of inventors to protect and defend their IP against those who would infringe their patents. Thank you for your leadership regarding restoration of secure patents.

Policies such as those in the STRONGER Patents Act would help secure the property rights of inventors, small businesses, universities, and other patent owners. This approach would level the playing field for the little guy by closing certain avenues for abusive tactics in administrative proceedings created by the America Invents Act. These post-grant review forums have enabled hedge funds, patent infringers, and speculators to play manipulatory games designed to devalue patents for their own private gain.

Curtailling the availability of predatory tactics for gaming the system at the Patent and Trademark Office would reduce the drain on resources of inventors and start-ups, restore certainty regarding patent validity, and defend patent value. Restoring the presumption of injunctive relief and closing loopholes that have made it harder to establish patent infringement would strengthen the ability of patent owners to defend their patents. Ending diversion of the user fees inventors pay the PTO to process their patent applications would improve patent examination and quality. It is important to balance addressing abusive practices of demand letters and maintaining the legitimate ability of patent owners to defend their IP. A carefully tailored approach would allow inventors to defend their private property rights, as well as relieve small business owners from false and misleading demand letters, without weakening patents or patent rights. The Federal Trade Commission could pursue unfair or deceptive practices using patent demand letters under its existing authorities. This approach, such as that taken in the STRONGER Patents Act, is reasonable, focused, and balanced. Thank you for your pro-patent, pro-inventor approach on these matters.

Faithfully,

Ed Martin, President

**THE PHYLLIS SCHLAFLY CENTER:** 7800 BONHOMME AVE. • ST. LOUIS, MO 63105 • (314) 721-1213 • [info@PhyllisSchlafly.com](mailto:info@PhyllisSchlafly.com)

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**For Immediate Release**

March 20, 2018

Contact: Kat Maramba, (202) 827-9678

[kathrina@blueenginemedias.com](mailto:kathrina@blueenginemedias.com)

## **Innovation Alliance Statement on Introduction of a House Version of the Bipartisan STRONGER Patents Act**

**WASHINGTON, D.C.** – Innovation Alliance Executive Director Brian Pomper today issued the following statement in response to the introduction of a House version of the bipartisan STRONGER Patents Act by Representatives Steve Stivers (R-OH) and Bill Foster (D-IL):

“The Innovation Alliance commends Representatives Stivers and Foster for introducing the bipartisan STRONGER Patents Act in the House of Representatives. This comprehensive legislation is the smart policy we need to reverse the alarming decline of the U.S. patent system and innovation economy we have seen in recent years.

“A decade of harmful congressional actions and court decisions have weakened American patent rights, abandoned small inventors and undermined U.S. innovation. And as the U.S. has curtailed patent protections, foreign competitors, including China, have strengthened theirs.

“The warning signs are everywhere. In 2018, the U.S. fell to 12th place in the U.S. Chamber of Commerce’s international ranking of patent system strength, falling behind countries such as South Korea and Spain. The U.S. also fell out of the top 10 of Bloomberg’s international innovation index for the first time ever. Meanwhile, startup activity in the U.S. has slumped and venture capital investment has increasingly moved overseas.

“The STRONGER Patents Act says ‘enough is enough’ and ensures that patent rights are protected as a fundamental underpinning of our innovation economy. Like its companion bill in the Senate, the STRONGER Patents Act treats patents like any other property and permits injunctions to protect patent owners against infringement during and after court cases. It ensures fairness in Patent Office administrative proceedings, limiting repetitive and harassing challenges against inventors. And it ends the diversion of patent application fees to other government spending, ensuring the Patent Office has the funding it needs to grant high-quality patents without harmful delay.

“This legislation will help ensure that our patent system continues to serve as an engine for U.S. economic growth and job creation. The Innovation Alliance urges the House and the Senate to pass the STRONGER Patent Act and restore the U.S. to its position as the global leader in innovation.”

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**ABOUT THE INNOVATION ALLIANCE**

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



# Licensing Executives Society (U.S.A. and Canada), Inc.

A Member Society of the Licensing Executives Society International

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**March 21, 2018**

## **Licensing Executives Society (USA and Canada), Inc. Lauds Introduction of HR 5340 to Strengthen US Innovation**

The Licensing Executives Society, (USA and Canada), Inc. (LES) commends the leadership of Representatives Stivers and Foster in introducing HR 5340. This bipartisan bill will strengthen the U.S. patent system, reduce abuse, and reverse many of the unintended consequences that have crept into the system. The American inventor is the embodiment of the pioneering spirit that made the U.S. economy the envy of the world. Our innovative spirit has been fueled by a patent system that confers a valuable property right on inventors – the right to exclude others from using what the inventor created. Without that essential property right, innovation withers, investment declines, and economic activity is diminished. By restoring strength and durability to the U.S. patent grant, inventors will be properly rewarded, and new business formation will flourish. LES is committed to working with Congress and the executive branch on various initiatives to further enhance the U.S. patent system, including industry self-regulation (LES Standards Initiative, <http://www.lesusacanada.org/?lesstandards>). Over the last several years, the U.S. has sunk from perennial world leader in patents to 12<sup>th</sup> place. ([http://www.theglobalipcenter.com/wp-content/uploads/2018/02/GIPC\\_IP\\_Index\\_2018.pdf](http://www.theglobalipcenter.com/wp-content/uploads/2018/02/GIPC_IP_Index_2018.pdf)). We need to reverse that trend. HR 5340 is a helpful step in the right direction.

## **MDMA Statement on the “STRONGER Patents Act”**

**Washington, D.C.** – Mark Leahey, President and CEO of the Medical Device Manufacturers Association (MDMA), issued the following statement today regarding introduction of the “STRONGER Patents Act” in the United States House of Representatives:

**“MDMA applauds Congressmen Steve Stivers and Bill Foster for introducing bipartisan legislation that promotes innovation and intellectual property.**

**“The ‘STRONGER Patents Act’ provides a balanced approach to protect the work of innovators and entrepreneurs, and ensures that bad actors do not misuse our nation’s patent system. According to a recent study by the U.S. Chamber of Commerce, the United States currently ranks 12th in the world in offering patent protections for inventors, and this legislation would bolster our nation’s ability to compete in the global marketplace and remain the leader in medical technology innovation.**

**“We look forward to working with Congress and all policy makers to strengthen the medical technology ecosystem so it can continue to foster the cures and therapies of tomorrow for patients and providers.”**

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The Honorable Steve Stivers  
U.S. House of Representatives  
1022 Longworth House Office Building  
Washington, DC 20515

The Honorable Bill Foster  
U.S. House of Representatives  
1224 Longworth House Office Building  
Washington, DC 20515

Dear Representatives Stivers and Foster:

On behalf of the National Small Business Association (NSBA), I would like to thank you for introducing the *Support Technology & Research for Our Nation's Growth and Economic Resilience (STRONGER) Patents Act* (H.R. 5340) which is a reasonable, small-business friendly alternative to other harmful patent reform initiatives. The STRONGER Act offers a balanced solution to stop the practice of fraudulent and abusive patent demand letters and various other improvements to the current U.S. patent law, and stops short of weakening existing patents and discouraging innovation in the U.S. for years to come.

Patent protections are particularly important for small businesses, which operate on much smaller margins and often rely more heavily on their intellectual property for revenue than large firms. According to the U.S. Small Business Administration, small businesses produce 16 times more patents per employee than large patenting firms, which has a direct correlation with job growth.

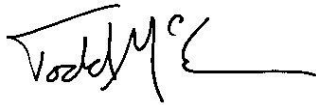
The STRONGER Patents Act finds that the most recent comprehensive reforms to the U.S. patent system, the America Invents Act (AIA) enacted in 2011, resulted in unintended consequences which have damaged the ability of patent owners to protect their patents from infringement. Reforms in H.R. 5340 such as improving the Patent Trial and Appeal Board process, bringing fairness and finality to the grant review proceedings, as well as ending the diversion of patent fees and ensuring the fees paid to the Patent Office are used for their intended purposes while cracking down on abusive patent demand letters, will help boost U.S. competitiveness and strengthen property rights protections for inventors, small businesses, and other patent owners.

Among the other key provisions in the STRONGER Act that will ensure small patentees aren't being unfairly and unjustly targeted are: the "pattern or practice" requirement that would target mass mailing of these demand letters; a "bad faith" requirement to focus on purposefully deceptive demand letters; and the establishment of a uniform federal standard for enforcement of patents.

Furthermore, NSBA would welcome the opportunity to work with you to develop other amendments to the bill to restore some of the additional patent holder rights that were eliminated with the passage of the AIA.

As the nation's first small-business advocacy organization with 65,000 members across the country operating on a staunchly nonpartisan basis, I applaud your efforts to include small business in your efforts to improve the U.S. patent system, and look forward to working with you on the passage of the STRONGER Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd McCracken", with a long horizontal flourish extending to the right.

Todd McCracken  
President and CEO



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**FOR IMMEDIATE RELEASE**

**Contact: Nicole Longo**  
**202-835-3460**

## **PhRMA Statement on STRONGER Patents Act**

**WASHINGTON, D.C. (March 20, 2018)** – Today the Pharmaceutical Research and Manufacturers of America (PhRMA) issue the following statement:

“PhRMA applauds Representatives Steve Stivers and Bill Foster for introducing legislation today that would reform and strengthen the U.S. patent system. The legislation includes needed improvements to the current inter partes reviews process that would limit repetitive challenges against patent owners and ensure the proceedings are fair to all parties. This legislation, along with the bill introduced by Senators Tom Cotton and Chris Coons, is a step in the right direction toward restoring the U.S. patent system to one of the best in the world. We look forward to partnering with Representatives Stivers and Foster, as well as Senators Cotton and Coons and other members of Congress, to find ways to continue to foster innovation while protecting the rights of patent owners.”

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### **About PhRMA**

The Pharmaceutical Research and Manufacturers of America (PhRMA) represents the country’s leading innovative biopharmaceutical research companies, which are devoted to discovering and developing medicines that enable patients to live longer, healthier, and more productive lives. Since 2000, PhRMA member companies have invested more than half a trillion dollars in the search for new treatments and cures, including an estimated \$65.5 billion in 2016 alone.

### **Connect with PhRMA**

For information on how innovative medicines save lives, please visit:

[www.PhRMA.org](http://www.PhRMA.org)

[www.Innovation.org](http://www.Innovation.org)

[www.GoBoldly.com](http://www.GoBoldly.com)

[www.Facebook.com/PhRMA](https://www.facebook.com/PhRMA)

[www.Twitter.com/PhRMA](https://www.twitter.com/PhRMA)



FOR IMMEDIATE RELEASE:

Washington DC and Silicon Valley - The Alliance of U.S. Startups and Inventors for Jobs (USIJ) applauds the introduction of the **STRONGER Patents Act** in the U.S. House of Representatives.

The following statement can be attributed to USIJ Executive Director Chris Israel:

“The STRONGER Patents Act, introduced by Representatives Steve Stivers (R-OH) and Bill Foster (R-IL), with a number of bipartisan co-sponsors, will make desperately needed reforms that will strengthen the U.S. patent system and incentivize investors, inventors and entrepreneurs to drive our economy forward.

“It is an irrefutable fact that because of recent court cases, legislation and actions at the USPTO, patent protection in the U.S. is dramatically weaker than it has ever been. This comes at a time when our major competitors, including China, are strengthening their patent systems.

The unfortunate state of the U.S. patent system is a result of a coordinated campaign conducted for over a decade by many large, incumbent technology companies designed to diminish the rights of investors, inventors and entrepreneurs who develop original, breakthrough technologies that could challenge their dominance. The STRONGER Patents Act begins to reverse this course and will once again prioritize the interests of creators, inventors, startups and entrepreneurs within our patent system. Our Founders designed the U.S. patent system to stoke the fire of genius by providing a predictable property rights. The STRONGER Patents Act refocuses the U.S. patent system on this fundamental objective.”

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***About the USIJ:***

*The Alliance of U.S. Startups and Inventors for Jobs (USIJ) is a group of nearly 50 startups, inventors, investors and entrepreneurs. Collectively, we have launched dozens of companies in areas including biotechnology, clean energy, medical devices and wireless technology. We invent real things and create real companies. We also rely on the strength of the U.S. patent system to create these companies, breakthroughs and jobs.*