

UNITED *for* PATENT REFORM

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New Legislation Threatens Tools Used by Small Businesses to Fight Abusive Patent Litigation

WASHINGTON — *United for Patent Reform* – a coalition made up of hundreds of companies from nearly every sector of the U.S. economy – today voiced serious concerns about the **STRONGER Patents Act of 2018** introduced by Reps. Steve Stivers (R-OH) and Bill Foster (D-IL). The following statement may be attributed to the *United for Patent Reform* coalition:

“While we welcome efforts by Congress to engage with our broken patent system and promote effective policies that protect America’s small business owners and entrepreneurs from abusive litigation, this legislation would have the opposite effect. Instead, this bill undermines congressional reforms and vital decisions made by the Courts that American businesses have relied on to fight back against frivolous patent litigation. Moreover, the **STRONGER Patents Act** promises to embolden patent trolls that abuse loopholes in our patent system to target companies of all sizes and prevent them from growing, innovating and creating jobs.

“When Congress passed the **America Invents Act (AIA)** of 2011 on a bipartisan basis, it created new post-grant review procedures, including the *Inter Partes* Review (IPR) program at the Patent and Trademark Office (PTO). Since 2012, IPR has been working fairly and successfully to improve patent quality by allowing the PTO to reexamine patents of questionable validity – the primary drivers of patent litigation abuse – and determine whether they should have been granted in the first place.

“Now, the **STRONGER Patents Act** is threatening to roll back these advancements and leave businesses more vulnerable to abuse without this vital tool at their disposal. Furthermore, the **STRONGER Patents Act** would increase the leverage patent trolls have in threatening all job-creating American businesses by overturning decade’s worth of unanimous Supreme Court patent decisions that have clarified and improved the patent landscape. The bill also prevents state attorneys general from protecting their citizens from abusive patent trolls and creates numerous loopholes that would allow trolls to escape liability. These changes would aid, rather than prevent, the abusive litigation tactics favored by trolls.

“We are calling on Congress to address the real problems facing the U.S. patent system and plaguing the American economy: abusive patent litigation by patent trolls and poor-quality patents. American companies of all sizes need Congress to champion policies that enhance patent quality and ensure they can continue to grow and thrive.”

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