

UNITED *for* PATENT REFORM

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New Patent Bills Threaten Critical Tools Protecting Innovative Small Businesses from Abusive 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 Restoring America's Leadership in Innovation Act introduced by Reps. Thomas Massie (R-KY), Marcy Kaptur (D-OH) and Dana Rohrabacher (R-CA) and the Inventor Protection Act also introduced by Rep. Rohrabacher. The following statement may be attributed to the United for Patent Reform coalition:*

“These bills will reverse many of the hard-won, common sense patent reforms achieved through bipartisan legislation and unanimous Supreme Court decisions that small businesses around the country have grown to rely on to ensure their continued growth and success. These protections, which give America’s innovators the tools to defend against frivolous and harmful patent litigation, are critical to helping ensure the integrity and quality of our patent system.

“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. These post grant review procedures have ultimately saved patent owners more than \$1 billion in legal fees since they were made available by reducing the cost of litigating patents overall. What’s more, a decade’s worth of unanimous Supreme Court patent decisions, including *Alice v. CLS Bank International* and *TC Heartland LLC v. Kraft Foods Group Brands LLC*, have clarified and improved the patent landscape.

“These bills threaten to leave American businesses defenseless against entities that game our system to profit off our country’s innovators. More dangerously, they will harm innovation and the robustness of our patent system overall, emboldening these entities to push low-quality patent claims through the PTO and immunizing them to justified challenges. Rather than rolling back these important advancements, Congress should instead champion policies that enhance patent quality and address abusive litigation. The engines of our country’s economic growth – entrepreneurs and small inventors – rely on them for their continued success.”

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