

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

The Honorable Ken Buck  
2455 Rayburn House Office Building Washington, DC 20515

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

The Honorable Deborah Ross  
1221 Longworth House Office Building Washington, DC 20515

September 12th, 2023

Dear Senators Coons and Tillis and Representatives Buck and Ross:

We extend our gratitude for your exceptional leadership in advocating for the restoration of secure patents. The inventors below fully support our constitutionally grounded intellectual property rights and the ability of inventors to rely on and protect their patents.

Policies like those proposed in the Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act would play a crucial role in safeguarding the property rights of inventors, small businesses, universities, and other patent holders. This approach would effectively eliminate avenues for abusive tactics involving administrative proceedings before the Patent Trial and Appeal Board (PTAB). Thus far, the PTAB has facilitated the ability to repeatedly and aggressively contest the validity of patents. This misuse has resulted in inventors being deprived of the assurance, reliability, and enforceability that should accompany a property right explicitly declared as exclusive.

Presently, the existing administrative reviews allow patent infringers and other parties to exploit the system, devaluing patents that are fundamental to America's leadership in innovation. Restricting the availability of predatory tactics that manipulate the system would not only relieve the burden on inventors and start-ups but also enhance the certainty of patent validity and protect patent value. By reducing multiple challenges, including serial and parallel proceedings, patent owners would be able to exercise their exclusivity rights in a more constructive manner.

The measures proposed in the PREVAIL Act and similar avenues are fair, targeted, and productive. We commend your thoughtful approach to these crucial matters.

Sincerely,  
Inventors

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