



The Coalition for 21st Century Patent Reform

21C Statement in Support of Advancing Bipartisan Patent Bills at Upcoming Senate Judiciary Committee Markup

Washington, D.C. – The Coalition for 21st Century Patent Reform (“21C”) proudly supports a duo of bipartisan patent bills slated for markup in the Senate Judiciary Committee – the *Patent Eligibility Restoration Act* (“PERA”) and the *Promoting and Respecting Economically Vital American Innovation Leadership Act* (the “PREVAIL Act”). Together, these bills would help the U.S. establish and maintain a gold standard patent system that preserves our position as a global economic and innovation leader, drives economic growth and competitiveness, and protects U.S. national security.

PERA addresses the ongoing confusion caused by more than a decade of Supreme Court decisions that have misinterpreted Section 101 of the Patent Act to exclude many important types of inventions from being patented. By restoring certainty and predictability to the U.S. patent system, PERA will provide the patent protection needed to enable the invention, development and commercialization of societally beneficial, breakthrough inventions across the life sciences, manufacturing, software, and other rapidly emerging technologies, while providing adequate safeguards to promote competition and prevent overreach. Importantly, the bill excludes from patenting fundamental concepts that do not result from human ingenuity, such as genes as they exist in the human body and unmodified naturally existing materials. 21C commends the efforts of Senators Thom Tillis (R-NC) and Chris Coons (D-DE) for their continued leadership on this important legislation.

Currently, the Patent Trial and Appeal Board (PTAB) grants the vast majority of inter partes review (IPR) petitions, and once granted, some or all of the patent claims are invalidated by final written decision a significant majority of the time. PREVAIL will provide more balance to the procedures employed by the PTAB when conducting the IPR and post grant review (PGR) challenge proceedings established by Congress through the passage of the *American Invents Act* in 2011. 21C supports revisions to the PTAB’s rules and procedures such as those advanced by PREVAIL as further amended to ensure that both patent challengers and owners will be treated fairly, regardless of the forum in which their patents are challenged. 21C applauds Senators Chris Coons, Thom Tillis, Dick Durbin (D-IL), and Mazie Hirono (D-HI) for championing this much-needed proposal.

We urge the Senate Judiciary Committee to pass these bills to strengthen the U.S. patent system. 21C looks forward to working with all stakeholders to enact these significant pieces of legislation into law. It is crucial for Congress to restore confidence in this country’s patent regime to encourage U.S. innovation and foster U.S. competitiveness to the benefit of the U.S. innovation ecosystem.

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