



July 9, 2019

Senator Thom Tillis  
Chairman, Subcommittee on Intellectual Property  
Senate Committee on the Judiciary  
113 Dirksen Senate Office Building  
Washington D.C., 20510

Senator Chris Coons  
Ranking Member, Subcommittee on Intellectual Property  
Senate Committee on the Judiciary  
218 Russell Senate Office Building  
Washington D.C., 20510

Representative Doug Collins  
Ranking Member  
House Committee on the Judiciary  
2142 Rayburn House Office Building  
Washington D.C., 20515

Representative Hank Johnson  
Chairman, Subcommittee on Courts, Intellectual Property and the Internet  
House Committee on the Judiciary  
2240 Rayburn House Office Building  
Washington D.C., 20515

Representative Steve Stivers  
2234 Rayburn House Office Building  
Washington D.C., 20515

Dear Chairman Tillis, Ranking Member Coons, Ranking Member Collins, Chairman Johnson,  
and Representative Stivers:

On behalf of the American Intellectual Property Law Association (“AIPLA”) and the Intellectual Property Owners Association (“IPO”), and in conjunction with the American Bar Association – Intellectual Property Law Section which has sent a separate letter, we would like to thank you for the time and leadership you and your staffs have devoted to examining the current law on patent subject matter eligibility law and encouraging a thoughtful, constructive dialogue on the issues. AIPLA, IPO and the ABA-IPL Section support this bipartisan, bicameral effort to develop a bill that will clarify eligibility law under Section 101 and ensure that cutting-edge

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innovation is not foreclosed from seeking patent protection in the United States.

Recent Supreme Court decisions have conflated the inquiry of whether a claimed invention is eligible for patenting under Section 101 and whether the claimed invention meets the patentability requirements under Sections 102, 103, and 112 of the 1952 Patent Act. Inventors, investors, businesses, the United States Patent Office and the lower courts have since struggled with the significant uncertainty and confusion caused by the Supreme Court's decisions. The United States patent system is at risk of falling behind those of the European Union, China and others in promoting the enormous investments needed to support innovation and economic growth across all industries.

AIPLA and IPO have concluded that the sweeping language of Supreme Court rulings and the application of those rulings by lower courts have closed off any return to the framework and principles of the 1952 Patent Act. We believe that legislation is necessary to restore the patent eligibility inquiry to its traditional role as an objective, technology-neutral one that is wholly distinct from the patentability requirements (novelty, non-obviousness, and sufficiency of the disclosure).

We enthusiastically endorse your efforts to address the current uncertainty in the patent law, ensure patent protection for cutting-edge innovation, and encourage research and development investment in the United States. We believe that such reform would not only lead to economic development and job growth but would also result in the development and commercialization of more innovative products that will improve our lives and those of future generations.

We look forward to working with you to find a balanced solution to reform Section 101 of the Patent Act which will strengthen our patent system and ensure that we remain at the forefront of innovation.

Sincerely,



Barbara A. Fiacco  
President-Elect  
American Intellectual Property Law Assn



Henry Hadad  
President  
Intellectual Property Owners Assn