

The STRONGER Patents Act of 2019

Support Technology & Research for Our Nation's Growth and Economic Resilience

Why STRONGER Patents?

- A number of changes over the past decade have weakened the U.S. patent system, from Supreme Court decisions to the unintended consequences of new post-grant administrative proceedings at the U.S. Patent and Trademark Office (USPTO).
- These changes risk undermining investor confidence in technology-intensive small businesses, ceding our nation's historic edge in innovation to Europe or China.
- The impact of undermining the patent system will be significant—patent-intensive industries create high-paying jobs that have a wage premium of 74%, and the U.S. currently has a trade surplus of about \$85 billion due to the licensing of IP rights.
- Strong patents are also vital to technology-intensive startups. Research shows that if a startup receives a patent, its chance of securing venture capital increases over 50% and it is likely to have better growth in employment and sales.

What Can We Do?

Enact balanced reforms to restore the U.S. patent system to the world's gold standard.

- **Protect American Inventors from Illegal Infringement**
U.S. courts should treat a patent like any other property right, permitting preliminary injunctions to protect patent owners against infringement while cases are pending, and granting permanent relief to protect a patent owner from ongoing infringement after a court determines the patent to be valid and infringed. A presumption that patent owners are entitled to injunctive relief will also encourage infringers to negotiate fair licenses based on the free market, keeping cases out of court.
- **Ensure Fairness in Patent Office Administrative Challenges**
Seven years after the *Leahy-Smith America Invents Act* created proceedings at the USPTO to allow faster and cheaper challenges to patents, it has become clear that further changes are needed to limit repetitive and harassing challenges against patent owners and to ensure that the proceedings are fair to all parties, including solo inventors and small businesses.
- **Protect Small Businesses and Consumers from Abusive Patent Demand Letters**
Changes are needed to ensure that the Federal Trade Commission and state attorneys general have the tools they need to protect consumers and small businesses from bad-faith, abusive demand letters.
- **Fully Fund the USPTO to Ensure Timely, High-Quality Patents**
Inventors' patent application fees should remain at the USPTO. It's not fair to tax inventors for government spending. Adequate, dependable funding is critical for timely, high-quality patents.