



Conservatives
for
Property Rights

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Contact: Ryan Moy
rmoy@rcadvisors.com

Statement on Introduction of the Patent Eligibility Restoration Act

This statement on the introduction of the Patent Eligibility Restoration Act (PERA) may be attributed to James Edwards, Executive Director, Conservatives for Property Rights:

“Property-rights conservatives cheer the Patent Eligibility Restoration Act’s being introduced in the U.S. House. The Supreme Court and lower courts have made a royal mess of what should be a primary matter unrelated to substantive examination of an invention—that is, what falls into one of the buckets for subject matter that’s patent-eligible.

“PERA addresses the confounding adverse effects of inconsistent, judicially created exceptions to statutory language—it disallows judge-made exceptions to patent eligibility. It untangles the contradictory decisions courts have reached, promising consistency. PERA shifts from the unworkable ‘*Alice-Mayo* Framework’ to clear standards for determining what’s patent-eligible—like those which gave rise to the biotech revolution that started in America.

“Conservatives for Property Rights appreciates Representatives Kevin Kiley and Scott Peters for joining Senators Thom Tillis and Chris Coons, PERA’s Senate sponsors, in taking the lead on this desperately needed course correction.”

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Letter: Patent Eligibility Restoration Act (S. 2140), Sens. Tillis and Coons, Sept. 5, 2023

Comments: “Patent Subject Matter Eligibility Guidance,” USPTO, Oct. 12, 2022

Blog post: “The Patent Eligibility ‘Quagmire’,” Locke’s Notebook