November 24, 2025

The Honorable John Squires
Director
U.S. Patent and Trademark Office
600 Dulany Street
Alexandria, VA 22314

Subject: Support for NPRM: Restoring Predictability in PTAB Institution, Docket No. PTO-P-2025-0025

Dear Director Squires:

We write in strong support of the U.S. Patent and Trademark Office's recent Notice of Proposed Rulemaking (NPRM) to improve the Patent Trial and Appeal Board's (PTAB) practices for instituting inter partes review (IPR) challenges (Docket No. PTO-P-2025-0025). The proposal would help restore fairness, efficiency, and predictability to patent adjudication, principles that Congress pledged in the America Invents Act (AIA), but that years of serial and duplicative challenges and bias for patent claim invalidation have eroded.

Congress intended IPRs to serve as a faster, less costly alternative to district court litigation, not a second front for infringers to attack patents until they are worn down or invalidated. Yet today, more than half of IPR petitions—filed by the same large corporations such as Apple, Microsoft, and others—represent repeat challenges against the same patent. More than 80 percent of IPRs overlap with ongoing litigation. This has created a system that multiplies uncertainty and imposes duplicative costs on inventors, the opposite of the efficient alternative Congress promised.

By requiring petitioners to stipulate that they will not pursue overlapping §102 or §103 invalidity arguments and by declining to institute review where claims have already survived judicial or administrative scrutiny, the USPTO's proposal faithfully implements the "one bite at the apple" principle that Congress thought it was making law. The rule also allows USPTO to consider the effects of its regulations on "the economy [and] the integrity of the patent system."

Reliable patent rights are the lifeblood of America's innovation economy. They give investors the confidence to finance risky, long-horizon research and allow small inventors and startups to compete on equal footing with well-established firms. When patents can be relitigated endlessly before multiple tribunals, investment dries up, technology transfer stalls, and only the largest firms, with the resources to absorb the cost of serial proceedings, can compete.

In your recent statement before the Senate Judiciary Subcommittee on Intellectual Property you effectively connected the dots not just between strong patent protection and America's economic vitality, but also our national security. Weak, uncertain patent rights invite foreign competitors and adversarial regimes to infringe American innovations with impunity. By restoring finality and predictability, the proposed rule will help secure the unique intellectual property foundation of U.S. leadership in critical technologies from AI to quantum computing.

By limiting duplicative challenges, the NPRM's framework channels patent disputes to a single forum. By reserving exceptions for truly extraordinary circumstances, cost and delay will be reduced for all participants. The proposal will also allow USPTO to redirect its limited resources to its core mission of examining and issuing patents. These reforms will make PTAB proceedings what Congress intended: a focused, efficient, and fair mechanism to resolve legitimate validity questions without undermining confidence in issued patents.

The undersigned organizations and individuals support this reform-minded NPRM because it advances the AIA's goals of fairness, efficiency, and predictability. These are the conditions essential to investment, job creation, and America's technological and economic security. We applaud the USPTO's leadership on removing this weak link in U.S economic and national security and stand ready to assist in implementation.

Respectfully,

James Edwards, Ph.D.
Founder and Executive Director
Conservatives for Property Rights
Patent Policy Advisor
Eagle Forum Education & Legal Defense Fund

Kevin L. Kearns
President
U.S. Business and Industry Council

Kent Kaiser, Ph.D.
Executive Director
Trade Alliance to Promote Prosperity

Tom Giovanetti
President
Institute for Policy Innovation

Dick Patten
President
American Business Defense Council

Bob Carlstrom
Executive Director
Prosperity for US Foundation

James L. Martin
Founder/Chairman
60 Plus Association

Saulius "Saul" Anuzis
President
American Association of Senior Citizens

Dee Stewart
President
Americans for a Balanced Budget

Jeffrey Mazzella
President
Center for Individual Freedom

Karen Kerrigan
President & CEO
Small Business & Entrepreneurship Council

Ginevra Joyce-Myers
Executive Director
Center for Innovation and Free Enterprise

Phil Kerpin
President
American Commitment

Daniel Perrin
President
HSA Coalition

Anthony J Zagotta
President
Center for American Principles