



March 19, 2018

The Honorable Steve Stivers
1022 Longworth House Office Building
United States Congress
Washington, DC 20515

The Honorable Bill Foster
1224 Longworth House Office Building
United States Congress
Washington, DC 20515

Dear Representatives Stivers and Foster:

Conservatives for Property Rights fully supports the STRONGER Patents Act. Thank you for your leadership on this important property rights matter.

CPR emphasizes the central importance of private property in all its forms — physical, personal, and intellectual. The right to private property ranks among the unalienable rights the Founders referenced in the Declaration of Independence. Thus, property rights should not be considered a conservative or liberal issue, although this coalition approaches property rights from a conservative philosophical perspective.

The STRONGER Patents Act seeks to strengthen private property rights. The bill would curb the worst aspects of the inter partes review proceedings, which have provided patent infringers, hedge funds, and speculators a playground to challenge patent validity repeatedly and viciously. Practically speaking, such misconduct and abuse have deprived inventors of a property right that the Constitution says is to be exclusive for a period of time. Your bill imposes limits on inter partes challenges, addresses problem areas such as claim construction, burden of proof, standing, appeals rights upon becoming a target of inter partes challenges, ascertaining challengers' real party in interest, deference to Article III judicial reviews of patent validity, amending patent claims, and providing greater due process to patent owners as to the postgrant PTAB judges involved at different stages. These measures would help alleviate the damage inflicted on our patent system, on inventors who face the prospect of lost commercial traction during what is supposed to be their exclusive ownership and use of their invention, and on the erosion of property rights in the patent space.

Further, CPR commends the bill's restoration of injunctive relief against patent infringers, elimination of patent application fee diversion from the PTO, closure of loopholes regarding patent infringement, attention to particular needs of small businesses and universities, and an appropriately balanced approach to abusive patent-related demand letters.

"protecting the exertions of talents and industry . . . securing to them their justly acquired fruits"
— Alexander Hamilton

Conservatives for Property Rights commends the STRONGER Patents Act and looks forward to working with you to educate Members on the underlying property rights at issue here.

Sincerely,

James Edwards
Executive Director
Conservatives for Property Rights

C. Preston Noell, III
President
Tradition, Family, Property, Inc.

Dick Patten
President
American Business Defense Council

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

Ed Martin
President
Eagle Forum Education and Legal Defense Fund

Seton Motley
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Less Government

Matthew Kandrach
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Consumer Action for a Strong Economy

Paul Caprio
Director
Family Pac Federal

Daniel Schneider
Executive Director
American Conservative Union

Colin Hanna
President
Let Freedom Ring

George Landrith
President
Frontiers of Freedom