



**Conservatives
for
Property Rights**

October 28, 2021

The Honorable Thomas Massie
2453 Rayburn House Office Building
Washington, DC 20515

Dear Representative Massie:

Conservatives for Property Rights (CPR) is proud to support the Restoring America's Leadership in Innovation Act (RALIA) whole-heartedly. Thank you for your leadership advancing these extremely important intellectual property rights.

As you know, CPR emphasizes the central importance of private property in all its forms — physical, personal, and intellectual. Rights in private property rank among the unalienable rights the Founders referenced in the Declaration of Independence. Moreover, they placed patents' securing the private property rights of inventors in Article I, Section 8 of the Constitution itself. Thus, we do not consider property rights a conservative or liberal issue, though this coalition approaches property rights from a conservative philosophical perspective.

The Restoring America's Leadership in Innovation Act would strengthen private property rights in one's inventions and discoveries. The bill would go a long way toward reversing the antipatent onslaught of recent years. RALIA would counter the sustained assault by courts, Congress, the Administrative State, and patent-infringer interests. The harm done to our patent system is reflected in the fact that the share of global venture capital invested in the United States has fallen since the America Invents Act's (AIA) enactment from about 75% to about 40%. And patent licensing royalty rates have dropped over the same period by about 40%.

In short, our patent system desperately needs the restoration of its previous strengths: clear, robust private property rights akin to those afforded real estate; returning patent eligibility to a mere threshold question distinct from patentability considerations; patent reliability due to bright-line validity presumption, with federal courts the venue for disputing patent validity; and restored access to injunctive relief against patent infringers to bar them from continued accrual of ill-gotten gains.

The Restoring America's Leadership in Innovation Act would address these most pressing uncertainties and weaknesses plaguing the U.S. patent system. This legislation affirms and recovers the fact that a patent secures private property rights — *not* the government awarding a "public franchise." The bill undoes some of the worst excesses of the AIA, including repeal of administrative quasijudicial patent validity challenges and restoration of pre-AIA first-to-invent and one-year grace period. It corrects major Supreme Court errors, ensuring patent-eligible subject matter in software and biotechnology, restoring injunctive remedies, and bolstering

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— Alexander Hamilton

patent rights in licensing and transfer of patents. Further, CPR commends your ensuring the right to de novo judicial review, ending automatic publication of patent applications prior to patent issuance, restoring best mode, and eliminating patent fee diversion.

This legislation would substantially remediate harms that now jeopardize America's competitiveness and empower an ever-increasingly aggressive China. RALIA would strengthen the hand of independent inventors to fend off patent infringers and stand a fighting chance at leapfrogging entrenched corporations by bringing new innovations to market. The bill would equally benefit innovative established firms engaged in standards development, patent licensing, and global markets where their inventive talents give the United States a competitive advantage in emerging technologies such as 5G wireless, artificial intelligence, automation, and advanced manufacturing.

Thus, Conservatives for Property Rights applauds the Restoring America's Leadership in Innovation Act and looks forward to working with you to strengthen patent property rights and to restore the Founders' original intent of a firmly property rights-based patent system that promotes progress in science and useful arts.

Sincerely,

James Edwards
Executive Director
Conservatives for Property Rights

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President
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* Organization names appear for identification purposes only.

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