



Conservatives
for
Property Rights

June 20, 2017

The Honorable Chris Coons
127A Russell Senate Office Building
United States Senate
Washington, DC 20510

Dear Senator Coons:

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.

As a measure that seeks to strengthen private property rights, the STRONGER Patents Act fits within that vein. 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 has 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 some of 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.

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

Sincerely,

James Edwards
Executive Director

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