



Conservatives
for
Property Rights

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Statement on the Senate Judiciary Committee PERA Hearing

This statement on the full Senate Judiciary Committee's hearing on the Patent Eligibility Restoration Act (PERA) may be attributed to James Edwards, Executive Director, Conservatives for Property Rights:

"The Patent Eligibility Restoration Act is desperately needed to fix one of the key weaknesses in the U.S. patent system: grossly unsettled, judicially created exception-riddled rules for patent eligible subject matter. CPR commends the U.S. Senate Judiciary Committee for calling a full committee hearing on this vitally important legislation. PERA would ensure rationality, consistency and American innovation leadership in critical technological fields, including AI and medical diagnostics, in which China and other foreign competitors are making gains at America's expense.

"The Supreme Court and lower courts have butchered the bright lines of the patent statute's section 101 with nonsensical, inconsistent, judicially created exceptions, causing extensive turmoil and uncertainty as to the basic question of whether certain subject matter is patent-eligible. This uncertainty, unpredictability and inconsistency advantage our foreign competitors whose laws recognize patent eligibility for cutting-edge categories that formerly were or ought to be recognized in the United States.

"The need for legislation is clear. Senate Judiciary subcommittee hearings in 2019 brought forth overwhelming evidence from more than 40 witnesses of the section 101 problem and the nature of the solution. Since that time, the situation has only worsened. The Supreme Court has repeatedly declined to take patent eligibility cases. Last fall, though, the Senate IP Subcommittee held an important hearing on PERA.

"Conservatives for Property Rights heartily thanks PERA's sponsors, Senators Thom Tillis and Chris Coons and Representatives Kevin Kiley and Scott Peters, for their bipartisan leadership on this desperately needed correction. CPR calls on the Senate to advance PERA now."

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CPR Letter: Patent Eligibility Restoration Act (S. 1546/H.R. 3152)

Coalition Letter: PREVAIL, PERA, and RESTORE Acts

Coalition Letter: PERA and PREVAIL Acts

Op-ed: "SCOTUS Let Us Down Again, So Congress Should Move PERA," IP Watchdog