



**Conservatives  
for  
Property Rights**

March 18, 2022

The Honorable Thom Tillis  
U.S. Senate Judiciary Intellectual Property Subcommittee  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Ranking Member Tillis:

Conservatives for Property Rights (CPR) writes in strong support of S. 3772, the Defending American Courts Act. Thank you for your leadership on this important issue.

CPR regards private property in all its forms—physical, financial, personal, and intellectual—as vital and necessary for human flourishing. The right to private property stands among the unalienable rights the Founders reference in the Declaration of Independence, and they put private patent rights in the Constitution itself. Therefore, we don't construe property rights as conservative or liberal issues.

The Defending American Courts Act would safeguard private property rights by ensuring that intellectual property owners have access to U.S. courts and are able to exercise their American IP rights by judicial means. S. 3772 would constrain the use of a disturbing, growing practice of certain foreign courts, particularly in China.

That a foreign court would deign to enjoin parties from pursuing patent litigation in U.S. courts, when American courts and parties would otherwise have jurisdiction, is an act of an insolent nature. Antisuit injunctions must not stand, and S. 3772 would counter this affront.

The Defending American Courts Act takes a route to protect patent rights against foreign antisuit injunctions that is likely to be effective. S. 3772 would dissuade parties from attempting to enforce foreign antisuit orders in the United States. U.S. courts would presume willfulness and legal fee awards, and the Patent Trial & Appeal Board would deny institution of requested proceedings, when sought by a party asserting an antisuit injunction in the United States.

Conservatives for Property Rights commends S. 3772 and is very pleased to support it. CPR looks forward to working with you to advance this legislation.

Sincerely,

James Edwards  
Executive Director

cc: Sen. Chris Coons  
Sen. Tom Cotton  
Sen. Mazie Hirono  
Sen. Rick Scott

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