

Leahy And Cornyn Introduce Bipartisan Bill To Support American Innovation And Reduce Litigation

... Leahy-Cornyn Bill Will Improve Proceedings At The Patent Office To Address Problems In The American Economy Caused By Poor-Quality Patents

WASHINGTON (WEDNESDAY, Sept. 29, 2021) -- Senator Patrick Leahy (D-Vt.) and Senator John Cornyn (R-Texas), both, members of the Senate Intellectual Property Subcommittee, on Wednesday introduced a new bill, the *Restoring the America Invents Act*, to address problems for small businesses and ordinary Americans caused by poor-quality patents. Leahy chairs the Subcommittee.

The patent system creates incentives to promote the progress of science and the useful arts for the benefit of the public. High-quality patents are essential for spurring innovation, but poor-quality patents can be abused, costing start-ups, small businesses, American manufacturers, and nonprofits huge sums every year. And poor-quality patents drive up the cost of prescription drugs by artificially preventing competition even over medications that have been on the market for decades.

Ten years ago this month, the *Leahy-Smith America Invents Act* created a process that allows members of the public to challenge a patent's validity at the U.S. Patent and Trademark Office (PTO) directly, providing a faster, less expensive and more accessible avenue than litigation in the courts. When more than ten thousand small businesses in Vermont, in Texas and around the country were targeted in 2013 by entities holding poor-quality patents, the tool that ultimately ensured that those patents would not be abused again in the future was this PTO review process.

The *Restoring the America Invents Act* builds on and supports the structures that were created ten years ago in the *Leahy-Smith Act*. It will bring more transparency into the PTO review process, prevent politicized meddling with PTO decisions, and ensure that these important PTO proceedings are widely available to the public.

Leahy said: "Fundamentally, we need to address why the PTO issues invalid patents in the first place. But when these invalid patents have already been issued, they need to be addressed on the back end. I am proud of the legacy we built ten years ago with the *Leahy-Smith Act*. And I'm equally proud to

introduce the *Restoring the America Invents Act* to protect the gains made by the *Leahy-Smith Act* and ensure that our patent system reinforces high-quality patents while ensuring that poor-quality patents don't disrupt the American economy. I welcome working with Senator Cornyn to make sure that we strike a balance that will help start-ups, small businesses, and American manufacturers thrive." Cornyn said: "Our patent system is meant to encourage innovation, and when it functions properly that's exactly what it does. This legislation would improve the ability of our system to maintain the quality of American patents by improving the mechanism for challenging them. By ensuring there is a less expensive and more transparent option than drawn-out litigation, we can protect valid patents and prioritize innovation."

The full text of the *Restoring the America Invents Act* can be found [here](#).

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