

US INVENTOR

Innovators, Inventors, Dreamers, and Builders

September 12, 2017

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

US Inventor represents more than 13,000 inventors and new businesses across America. We write to express our concern over the state of the patent system for small companies, the job creation engine of this great nation, and to voice an important concern regarding the nomination of Andrei Iancu for Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

Earlier this year, the US Chamber of Commerce released an alarming report showing our patent system has slipped from its historic first place to tenth in the world. At the core of this historic drop are three problems: the Patent Trial and Appeal Board (PTAB), established under President Obama, the “abstract idea” exception to patentable subject matter under 35 USC 101, and injunctive relief, which is now rarely awarded upon a finding of infringement.

These problems all boil down to the current view of patent rights, minted under your predecessor, that a patent is not a property right despite over 220 years of precedent and black letter law. As a result, a small company cannot defend a patent. As a result, the company cannot attract investment. Instead, that investment is now going overseas – primarily to China – and job creation follows. Soon, this will also have grave national security implications.

Inventors and startups need the PTAB eliminated, exceptions to 35 USC 101 reigned in, and injunctive relief upon a finding of infringement restored. Without these three changes, innovative new businesses will attract limited early stage investment.

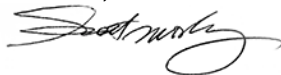
Inventors implore Mr. Iancu to answer one vital question: is a patent still a property right, as our Founders envisioned, or not? Thank you for considering our input at this critical time.

Respectfully,

Paul Morinville, President



Scott Moskowitz, Board Member



Josh Malone, Fellow



Adrian Pelkus, Board Member

