



James M. Conrad, Ph.D.
President, IEEE-USA

10 June 2020

The Honorable Thomas Massie
United States House of Representatives
Washington, DC 20515

Re: The Restoring America's Leadership in Innovation Act of 2020

Dear Representative Massie,

IEEE-USA wishes to thank you for your initiative and efforts to restore the U.S. patent law to a system that fosters innovation by protecting investments in new inventions. As an inventor of several U.S. patents yourself, you have properly recognized particular essential aspects of patent protection that have eroded in recent years. IEEE-USA has long been a supporter of U.S. patent laws that reduce frivolous litigation while fully restoring and sustaining the rights of American inventors and patent owners.

The Restoring America's Leadership in Innovation Act ("RALIA") includes proposals that IEEE-USA has long called for. These include restoring the American grace period to protect inventors from loss of patent rights during their most vulnerable time – when testing, demonstrating, or otherwise disclosing their inventions while raising capital; restoring the confidentiality of patent applications prior to issuance to protect American trade secrets and to ensure that American technology is not made available to competitors years before patent protection is in force; eliminating U.S. Patent and Trademark Office user fee diversion away from the Office, otherwise used to fully fund patent examination resources; and abrogating judge-made law that improperly conflates the determination of patent-eligible subject matter with patentability conditions set forth in sections 102, 103, and 112 of the Patent Act.

On the other hand, as a strong advocate for patent quality, IEEE-USA has also recognized inventors' obligation to provide full and enabling disclosure of their invention in the patent specification. Therefore, we also support the proposal in the RALIA to restore the requirement that inventors disclose the best mode for practicing their invention. This is important in order to reduce claim-scope uncertainty and in order to restore the exceptional fairness of the American patent system so that the public fully receives its end of the patent bargain.

Although certain proposed provisions in the RALIA may require some revisions, we are pleased to offer our general support for legislation directed to ensure safeguards for the intellectual property rights of U.S. technology entrepreneurs. These inventors and startup entrepreneurs who depend on patents for commercial survival are

substantially responsible for creating the largest percentage of new high-paying jobs in this country, and are the key contributors to economic growth and U.S. competitiveness in global markets.

IEEE-USA represents nearly 180,000 engineers, scientists, and allied professionals whose livelihoods depend on American technology companies and their domestic research and development operations. Our members work for large and small companies, and as individual inventors or entrepreneurs, and depend on a strong American patent system.

We thank you for your attention to these important matters. If we can be of any assistance, or if you have any questions, please do not hesitate to contact Erica Wissolik at (202) 530-8347 or e.wissolik@ieee.org.

Sincerely,

A handwritten signature in black ink that reads "James M. Conrad". The signature is written in a cursive style with a large, stylized initial "J".

James M. Conrad, Ph.D.
President, IEEE-USA