



## Press Releases

### Rep. Norman Leads Letter to President Biden Regarding Frivolous Patent Litigation & USPTO

Washington, DC, July 22, 2021 | **Austin Livingston** (803-833-0030)

Earlier this week, **Rep. Ralph Norman** (SC-5) led a **letter to President Biden** concerning recent spikes in patent litigation and the increasing refusal of the U.S. Patent and Trademark Office (USPTO) to utilize its **inter parties review** process to reassess patents of questionable merit.

This letter was co-signed by **Rep. John R. Curtis** (UT-3) along with **Rep. Mike Simpson** (ID-2), and calls on President Biden to appoint a USPTO Director who will “promote and protect the legal tools ... that enable manufacturers to defend themselves against patent troll litigation.”

#### Background

Patents, when used as intended, provide important legal protections to their holders. Unfortunately, as the Electronic Frontier Foundation **points out**, the USPTO “has a habit of issuing patents for ideas that are neither new nor revolutionary, and these patents can be very broad, covering everyday or commonsense types of computing – things that should never have been patented in the first place.”

Many of these weak or questionable patents are the basis of litigation against defendants who themselves would have never imagined the idea was patentable in the first place. Even with the likelihood of prevailing in court, defendants often choose a financial settlement instead of enduring more expensive litigation. This has created an



The **inter parties review** process was established in 2011 as part of the **America Invents Act**. It enables someone who is not the owner of a patent to petition the USPTO to review a patent, essentially double-checking the validity of its issuance. Unfortunately, the USPTO has rejected many petitions for these reviews. Rep. Norman believes the next USPTO director should prioritize the inter parties review process as a way to help reduce frivolous litigation. He issued the following statement on Thursday:

*“With as many questionable patents as have been issued, and given the spike in patent litigation, the burden should not fall on defendants to establish whether the USPTO issued a patent in error. We have an inter parties review for this very reason, and my expectation is that the next USPTO director will lean heavily on that process to protect defendants from the obvious motives of patent trolls.”*

Rep. Norman’s efforts have received the support of the **U.S. Manufacturers Association for Development and Enterprise** (US\*MADE), which issued the following statement:

*“The American manufacturing companies and trade groups of US\*MADE are grateful to Rep. Norman for his leadership in calling for a US Patent and Trademark Office director who will put the interests of productive employers and manufacturing workers ahead of the interests of patent trolls. Congressman Curtis and Simpson, who have called for the nomination of a USPTO director who will restore the original Congressional intent of the America Invents Act, are champions for the post-COVID manufacturing economy. Every American manufacturer who has been shaken down by a patent troll’s abuse of our nation’s litigation system owes a debt of gratitude to these lawmakers, as their call today will hopefully lead to a reduction of patent litigation abuse going forward.”*



## Our Locations



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legislation, or federal policies**

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