

December 7, 2022

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Grassley:

As advocates for a strong and innovative America, we write to express our opposition to the *Pride in Patent Ownership Act* (S. 2774). The legislation is a solution in search of a problem that actually rewards willful infringement for intellectual property theft. This bill will especially harm start-ups and universities. We respectfully ask you to support American innovation and oppose this bill.

The *Pride in Patent Ownership Act* unfairly and excessively punishes inventors and patent holders for record-keeping errors. Most troubling, the bill *rewards* willful infringers—those that the court system has found to have *intentionally* stolen another’s intellectual property—by reducing the amount of damages a patent holder can recover for this theft based on record-keeping errors. Rewarding intentional theft only serves to hurt American innovation. Though the legislation purports to target patent holders who are “bad actors” in failing to record patent ownership transfers, the bill offers infringers a plethora of new litigation tactics to harass all patent holders attempting to stop IP theft in court.

In addition, the bill puts a target on inventors and patent holders, especially start-ups and universities, by requiring a registry of all patent transactions that could serve in practice as a ledger of potential targets for infringers seeking to track developing technologies and attack them through frivolous challenges at the U.S. Patent and Trademark Office.

Invention is the engine of economic growth and job creation in the United States, and we cannot afford to stymie our innovation ecosystem. The *Pride in Patent Ownership Act* would harm inventors and patentees, especially start-ups and universities. We ask that you support innovation and oppose this legislation.

Sincerely,

Alliance for U.S. Startups & Inventors for Jobs (USIJ)
Association of American Universities (AAU)
Association of University Technology Managers (AUTM)
Biotechnology Innovation Organization (BIO)
Innovation Alliance
MDMA (Medical Device Manufacturers Association)

Cc: Members of the Senate Judiciary Committee