

November 6, 2024

Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator:

On behalf of the Bayh-Dole Coalition, I would like to express our support for three bills currently scheduled for review during the upcoming committee markup on November 14, 2024: **S.2220, the Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act; S.2140, the Patent Eligibility Restoration Act; and S.4713, the Inventor Diversity for Economic Advancement (IDEA) Act.** If passed, these legislative initiatives will build on the legacy of the 1980 Bayh-Dole Act and further enhance our U.S. patent system and support homegrown American innovation.

The Bayh-Dole Coalition is a diverse group of innovation-oriented organizations and individuals committed to celebrating and protecting the Bayh-Dole Act, as well as informing policymakers and the public of its many benefits. This historic, bipartisan law enabled universities and non-profit institutions to secure patent rights on government-funded breakthroughs, sparking an innovation renaissance. Today, the law is credited with supporting over 6 million jobs and contributing nearly \$2 trillion to our nation's economy.

The opening lines of the Bayh-Dole Act state that "it is the policy and objective of the Congress to use the patent system to promote the utilization of inventions arising from federally supported research or development." Yet across the country, inventors face growing obstacles to obtaining and defending patents, which has negatively impacted efforts to commercialize federally supported breakthroughs.

The PREVAIL Act, PERA, and the IDEA Act would enable key reforms to bolster U.S. innovation and reinforce the patent protections that undergird the world-class technology transfer system established by the Bayh-Dole Act. To address the ongoing challenges facing inventors and safeguard the future of American innovation, we sincerely urge you to preserve the integrity of these acts in their current form during the upcoming committee mark-up session.

The PREVAIL Act would ensure that universities have a fair opportunity to defend their patent rights at the Patent Trial and Appeal Board (PTAB), where current rules allow unscrupulous petitioners to level repeated and abusive challenges against the owners of valuable patents.¹² In doing so, it would reinforce incentives for university researchers to patent and commercialize their discoveries, ultimately helping a greater share of government-funded innovations achieve societal impact.

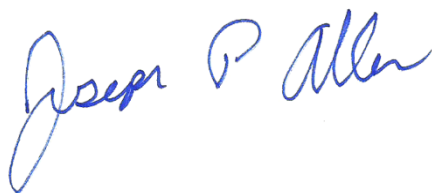
¹ <https://www.congress.gov/bill/118th-congress/senate-bill/2220>

² https://www.coons.senate.gov/imo/media/doc/prevail_act_fact_sheet.pdf

PERA would address patent eligibility uncertainty that currently afflicts several types of high-tech inventions, including artificial intelligence and medical diagnostics.³⁴ By restoring patent eligibility for these inventions – and clearly denoting eligibility criteria in the law – this bill would renew researcher and investor confidence in their pursuit of breakthroughs in vital and emerging fields, further enhancing America’s global competitiveness and national security.

The IDEA Act would enable the U.S. Patent and Trademark Office to collect voluntary demographic information from inventors, providing lawmakers with necessary information to ensure all Americans are included in the patent process.⁵ As universities grow more diverse, it is crucial to address existing demographic disparities in patenting to maximize our research system’s innovative output.⁶

These three pieces of legislation would significantly enhance clarity within our current patent system, bolster patent protections for American innovators, and supply essential data to ensure we leverage our nation’s full creative potential. Your stewardship of these important reforms is crucial to the success of America’s university research enterprise and to our continued economic and technological prosperity. We thank you for your work in advancing these bills and respectfully request your support in maintaining their key provisions.



Sincerely,
Joseph P. Allen
Executive Director
Bayh-Dole Coalition

³ <https://www.congress.gov/bill/118th-congress/senate-bill/2140>

⁴ <https://crsreports.congress.gov/product/pdf/IF/IF12563>

⁵ <https://www.congress.gov/bill/118th-congress/senate-bill/4713>

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https://www.cov.com/-/media/files/corporate/publications/2018/06/closing_diversity_gaps_in_innovation_gender_race_and_income_disparities_in_patenting_and_commercialization_of_inventions.pdf