

April 25, 2017

The Honorable Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

The Honorable Wilbur Ross  
Secretary of Commerce  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear President Trump and Secretary Ross:

As innovators, inventors, and industries that represent every corner of the American economy, we depend on technology, innovation and intellectual property to grow our businesses and create American jobs. A strong patent system is vital to our continued success. It is critical that the director of the United States Patent and Trademark Office (USPTO) foster a system that rewards invention and deters abuse.

Abusive patent litigation tactics undermine intellectual property in the United States and are a drain on our economy. This abuse thrives on poor quality patents, which make it easy to threaten inventors and businesses with broad baseless claims. Rather than wasting resources to fight frivolous patent lawsuits, our companies would much rather invest in creating jobs and bringing new products to market.

In recent years, the USPTO has made important strides in improving patent quality, reducing the patent backlog, and ensuring robust post-grant review procedures. All of these advancements have been instituted in a fair manner, have garnered support from bipartisan leaders in Congress, and have led to a stronger American patent system. Because of these positive trends, the Office's leadership is of critical importance to our industries. Any such change cannot weaken USPTO's commitment to quality and mitigating abuse of the system.

A robust system that helps innovation thrive exists when there are clear lines of patent protection afforded to truly novel ideas. Decades worth of poor quality patents have fueled this nation's patent abuse litigation problem. Vague, low quality patents become economic roadblocks that deter innovation and impose a significant tax on new products. The USPTO and its leadership must be committed to issuing high quality patents, protecting the programs created by the American Invents Act (AIA) that weed out invalid patents, and preventing abusive patent practices.

The AIA introduced a vital administrative process called the Inter Partes Review (IPR) program that allows the PTO to take a fair and careful second look at questionable patents that should not have been granted in the first place. Since its inception, IPR has proven to be a time- and cost-effective program for improving patent quality. Because IPR is much less expensive than litigation, it can be a particularly meaningful tool for small and medium sized businesses to fight back against frivolous patent threats and litigation. By weeding out poor quality patents that should never have been issued, the IPR program unquestionably strengthens our intellectual property system and gives our companies greater confidence in the patents that we own. It is paramount that the USPTO and its leadership steadfastly maintain this important program and reaffirm the intent of Congress when it passed AIA.

The Enhanced Patent Quality Initiative (EPQI), launched by Director Michelle Lee in 2015, has also been an important and positive step forward. It initiated a much-needed focus on how the PTO can manage the workload of the examining corps in a way that emphasizes the efficient issuing of high quality patents. Many of the changes arising from the EPQI are still in the pilot project stage, not fully implemented, or have yet to be fully tested. Continued commitment to EPQI from leadership at the USPTO is essential to ensuring meaningful improvements in patent quality.

This is a critical time for the USPTO. Patent quality, which had unfortunately been neglected for too long, is finally being recognized as critical to the strength and success of our patent system. We have been very pleased with the leadership of Director Lee, who has been committed to making sure that the USPTO creates the maximum economic benefit for American inventors and businesses. She has been able to expertly balance the needs and interests of all the stakeholders within the very diverse community that the USPTO serves. We believe that the American economy would greatly benefit from her continued leadership, or the leadership of a USPTO Director committed to the priorities she has instituted and championed.

Sincerely,

Adobe Systems, Inc.  
ADT Security Services  
ADTRAN  
Alliance of Automobile Manufacturers  
Amazon.com, Inc.  
American Apparel & Footwear Association  
American Gaming Association  
American Trucking Associations  
Application Developers Alliance  
Association of International Certified Professional Accountants  
Binary Formations  
Boingo Wireless, Inc.  
BrandsmartUSA  
Computer & Communications Industry Association

Consumer Technology Association  
Cisco Systems, Inc.  
Dell, Inc.  
Emerald People's Utility District  
Engine  
Facebook  
Foursquare  
Global Automakers  
Google, Inc.  
Hacom  
Hewlett Packard Enterprise  
Intel Corporation  
Internet Association  
JCPenney Corporation, Inc.  
Kansas City Startup Foundation  
Kickstarter  
The Latino Coalition  
Lincoln County Home Builders Association  
Medici Ventures Inc.  
MorphoTrak  
National Association of Realtors  
National Retail Federation  
Netra  
New Jersey Gasoline, C-Store, Automotive Association  
Ohio Hotel & Lodging Association  
Overstock.com, Inc.  
Phone2Action  
Printing Industries of America  
QVC, Inc.  
Rackspace  
Retail Industry Leaders Association  
Salesforce.com, Inc.  
SAS  
Samsung Electronics America  
Seagate Inc.  
Security Industry Association  
Software & Information Industry Association  
Southeastern Employment Services  
The Technology Association of Louisville Kentucky  
Texas Communications  
THX  
Verizon  
VIZIO  
Willamette Valley Home Builders Association  
Xante Corporation