



Andrei Iancu, Co-Chair
David Kappos, Co-Chair
Judge Paul Michel (Ret.), Board Member
Judge Kathleen O'Malley (Ret.), Board Member
Frank Cullen, Executive Director

May 9, 2025

The Honorable Michael Kratsios
Director
Office of Science and Technology Policy
1650 Pennsylvania Ave, NW
Washington, D.C. 20504

Dear Director Kratsios:

On behalf of the Council for Innovation Promotion (C4IP), I write to congratulate you on your appointment to lead the White House Office of Science and Technology Policy — and offer our assistance in crafting policies that foster technological progress and economic growth.

C4IP is a bipartisan coalition dedicated to promoting strong and effective intellectual property (IP) rights, driving innovation, boosting economic competitiveness, and improving lives everywhere. Our organization is chaired by two former U.S. Patent and Trademark Office (USPTO) directors: Andrei Iancu, who served in the first Trump administration, and David Kappos, who served in the Obama administration. Our board includes two retired judges from the Court of Appeals for the Federal Circuit: former Chief Judge Paul Michel, who was appointed by President Reagan, and former Judge Kathleen O'Malley, who was appointed by President Obama.

As President Trump's recent [letter](#) to you makes clear, to remain the world's leading economy in the face of rising threats from China and others, America must rededicate itself to technological and scientific innovation. As you chart the course of that crucial initiative, we urge you to make strong intellectual property protections a centerpiece of your forthcoming report.

President Trump's letter paid tribute to [Science — The Endless Frontier](#), the 1945 report by Dr. Vannevar Bush that laid the foundation for many of the policies that powered the American Century. That report [emphasized](#) the “very vital importance of a strong patent system to the development of new and active small enterprises and the stimulation of healthy scientific research.”

Dr. Bush was absolutely correct — but he was hardly the first American leader to recognize the importance of intellectual property rights. In the [Constitution](#), the Founding Fathers tasked Congress with creating patent laws to “promote the Progress of Science and useful Arts.” Thomas Jefferson, a prolific inventor himself, [explained](#) the reason for protecting intellectual property was not chiefly to safeguard creators’ “natural right, but for the benefit of society.” Abraham Lincoln [credited patents](#) with combining “the fuel of interest to the fire of genius, in the discovery and production of new and useful things.”

IP rights are a pillar of the modern economy. Patents incentivize inventors and investors to develop, share, and commercialize new ideas. And they particularly enable scientists to attract the private capital needed to develop laboratory discoveries into useful commercial products.

Today, thanks to intellectual property rights, America’s innovation engine is funded primarily by the private sector instead of the federal government. America’s private sector [now accounts](#) for [75%](#) of total U.S. research and development spending — a sea change from the 1960s, when the federal government accounted for [two-thirds](#) of U.S. R&D. As of 2019, IP-intensive industries accounted for [44%](#) of U.S. jobs and [over 40%](#) of U.S. GDP. In 2024 alone, U.S. intellectual property exports generated a [trade surplus](#) of over \$86 billion.

The importance of IP can also be seen at the state level. Per a recent U.S. Chamber of Commerce report, there is a significant wage premium in IP-related fields. Maryland, Virginia, and Texas are among the states with the highest wage boosts for IP-intensive jobs, averaging more than [\\$25,900](#), [\\$24,400](#), and [\\$24,300](#), respectively.

As you recently [noted](#) during an address, IP is “a foundational piece of law... that has driven and continue[s] to inspire and incentivize discoverers throughout the centuries to make great things and to commercialize them here in the United States.”

But too often, patents and intellectual property are an easy target for critics who are willing to trade away America’s long-term economic and national security for short-term gains. The resulting weakening of the U.S. patent system has repeatedly led to eras of American innovative stagnation, requiring visionaries like Vannevar Bush to turn the tide.

As another example, U.S. high-tech industries again fell behind global competitors in the 1970s, leading to the creation of an interagency committee to investigate policies that would bolster industrial productivity and innovation. Determining that weak and unreliable IP rights were a primary cause of America’s problems, the committee [proposed reforms](#), including upgrading the U.S. Patent and Trademark Office, streamlining patent litigation to harmonize patent law interpretations, and transferring ownership of government-funded patents to the private sector. Congress responded with several actions to strengthen patent

protections, by enacting the Bayh-Dole Act in 1980 to modernize university technology transfer and [establishing](#) the U.S. Court of Appeals for the Federal Circuit in 1982 to oversee patent disputes.

This pattern is again repeating itself, but perhaps even more starkly, as patent rights have become significantly less reliable in recent years, due to a series of judicial, Congressional, and administrative actions to undermine the strong patent system of the 1980s and 1990s. This death-by-a-thousand-cuts has weakened inventors' ability to attract private investment in their ideas, turning the prospect of making a living through inventing research-intensive breakthrough new technologies, whether by an individual or a company, more and more difficult.

Now, all too often, inventors [struggle to secure](#) justice when corporations use their patented inventions without permission. One recent study found that courts were [up to 91% less likely](#) to grant “permanent injunctions” — which order an infringer to halt all sales of products that incorporate technology used without permission— since the Supreme Court's 2006 ruling in *eBay Inc. v. MercExchange LLC* made it harder for patent holders to obtain this kind of permanent relief after they won their patent cases.

Large corporations have also weaponized a relatively new administrative proceeding at the U.S. Patent and Trademark Office's Patent Trial and Appeal Board (PTAB), forcing patent holders to often have to defend their patents at the PTAB as well as in district court or the International Trade Commission — two expensive venues at once. Nearly [eight in every 10 patents](#) challenged in *inter partes* reviews at the PTAB were first asserted in district courts — a sign that the PTAB isn't serving as an *alternative* to court litigation, as Congress originally envisioned.

In some important areas of technology, inventors haven't been able to secure patents at all. Supreme Court decisions such as *Bilski v. Kappos* (2010), *Mayo Collaborative Services v. Prometheus Laboratories, Inc.* (2012), *Association for Molecular Pathology v. Myriad Genetics* (2013), and *Alice Corporation v. CLS Bank International* (2014) created sweeping judicial exceptions to patent eligibility that have stifled innovation in crucial sectors. For instance, in the four years after the *Mayo* ruling — which held that many diagnostic technologies are ineligible for patenting — investment in diagnostics decreased by [\\$9 billion](#) relative to expectations.

American inventors also face threats from foreign countries, which are increasingly [violating](#) internationally recognized IP rights through policies such as [IP waivers](#), [market access barriers](#), and government-dictated [licensing rates for standard-essential patents](#).

Meanwhile, anti-patent activists and politicians here at home have attempted to weaken the reliability and scope of patent rights by radically reinterpreting the [Bayh-Dole Act](#), the bipartisan law that created America's modern technology transfer system.

Bayh-Dole enabled federally funded researchers to own patents on their discoveries and license them to private-sector firms capable of transforming them into real-world products. The incentives the law created for public- and private-sector collaboration have boosted America's economic output by nearly [\\$2 trillion](#) and [catalyzed 18,000 startups](#) over the past three decades. However, the Biden administration attempted to [undermine](#) the incentives created by Bayh-Dole by proposing the misuse of the law's "march-in" rights — intended to allow the government to relicense patents in rare emergencies — to impose price controls on products.

Thus, while the numbers cited at the beginning of this letter show that IP remains vital to our economy, the past two decades of attacks on this critical legal driver of innovation have already taken a stark toll. Further capitulating to attacks on our patent system would only weaken America's competitive edge over foreign rivals. To remain the world's economic leader, we must instead reinvigorate patent rights to incentivize greater investment in transformative 21st-century technologies.

Just as *Science — The Endless Frontier* shaped the course of American innovation for a generation, your report stands to shape the next era of U.S. science and technology policy. For that to happen, a strong patent system will be essential and will ensure the president's vision to revive American dynamism.

We respectfully urge you to emphasize the vital importance of patents and intellectual property to U.S. prosperity and leadership in your report, and we stand ready to further assist your efforts in any way that we can.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Cullen", is positioned below the word "Sincerely,".

Frank Cullen
Executive Director
Council for Innovation Promotion (C4IP)