



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

July 13, 2026

The Honorable Charles E. Grassley
Chairman
Senate Committee on the Judiciary
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Richard J. Durbin
Ranking Member
Senate Committee on the Judiciary
711 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Durbin:

In advance of the Committee's July 14 hearing, "From Genes to Machines: The Patent Eligibility Debate," we write to express our strong support for the Patent Eligibility Restoration Act of 2025, S. 1546, and its House companion, H.R. 3152. We applaud the full Committee for taking up this foundational issue of patent law — one that bears directly on the future of our nation's innovation, competitiveness, and national security.

That the full Committee is now considering PERA marks an important step toward reform. We are especially grateful to Senator Tillis for his unwavering and tireless leadership on PERA, which offers a thoughtful legislative solution to a problem that has vexed inventors, the courts, and the innovation community for well over a decade. We also extend our thanks to the bill's other Senate and House co-sponsors: Senators Coons, Blackburn, and Hirono, as well as Representatives Kiley and Peters.

The Council for Innovation Promotion (C4IP) is a bipartisan coalition dedicated to promoting strong and effective intellectual property rights that drive innovation, boost economic competitiveness, and improve lives everywhere. C4IP is chaired by two former directors of the U.S. Patent and Trademark Office (USPTO), Andrei Iancu and David Kappos, who served under Presidents Trump and Obama, respectively. Our board also includes two retired judges from the U.S. Court of Appeals for the Federal Circuit, former Chief Judge Paul Michel and Judge Kathleen O'Malley, as well as two distinguished public servants: Lamar Smith, former U.S. Representative for Texas's 21st congressional district and former Chairman of the House Judiciary Committee, and Gary Locke, former Governor of Washington, U.S. Secretary of Commerce, and U.S. Ambassador to China under President Obama.

Ever since the Supreme Court’s four recent decisions dramatically expanded the scope of judicial exceptions to Congress’s instruction that the patent system welcome any invention constituting a “process, machine, manufacture, or composition of matter,” the doors of the U.S. patent system have been shut to critical areas of innovation — from medical diagnostics and other life sciences to a wide array of inventions involving computers.¹ The hearing’s title captures the breadth of the problem: today’s confusion reaches from genes to machines. The fallout has been significant, with courts invalidating patents on inventions long understood to be exactly what the patent system exists to promote — new methods of detecting disease, improvements to digital cameras, and methods of manufacturing automobile components, to name a few.² And evidence is mounting that inventions are being abandoned — promising insights that could become the next breakthrough diagnostic, for example — because the lack of reliable patent protection drives researchers, companies, and investors toward opportunities where they can more predictably recoup their investments.³

PERA would restore patent eligibility for these kinds of inventions and many others. It provides a rational framework for delineating between subject matter that belongs in the patent system and that which does not. PERA allows in subject matter that requires human intervention or the manipulation of nature — not nature itself. The bill also draws a clear line between the technical subject matter appropriate for the patent system and areas of entrepreneurship focused solely on cultural or business improvements. In doing so, PERA will correct the excesses of recent court decisions on subject-matter eligibility and bring predictability and uniformity to this area of the law for courts, patent examiners, innovators, and the public.

While the loss of innovation from this legal uncertainty is troubling in its own right, it is compounded by the toll on U.S. leadership in innovation and national competitiveness. The major trading partners of the United States — including Europe, China, Japan, and South Korea — all currently maintain patent systems with broader subject-matter eligibility than our own. Research shows the United States falling seriously behind in numerous critical

[1] 35 U.S.C. § 101; *Bilski v. Kappos*, 561 U.S. 593 (2010); *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66 (2012); *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576 (2013); *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208 (2014).

[2] *Athena Diagnostics, Inc. v. Mayo Collaborative Servs.*, 927 F.3d 1333 (Fed. Cir. 2019) (denying petition for rehearing en banc) (holding ineligible a diagnostic for a rare disease); *Am. Axle & Mfg. v. Neapco Holdings LLC*, 967 F.3d 1285, 1292 (Fed. Cir. 2020) (holding ineligible a method of manufacturing an automobile driveshaft); *Yu v. Apple Inc.*, 1 F.4th 1040 (Fed. Cir. 2021) (holding ineligible a digital camera).

[3] See, e.g., Paul Michel, David Kappos, Corey Salsberg & Matthew Dowd, *Presenting the Evidence for Patent Eligibility Reform: Part III*, IPWatchdog (Oct. 18, 2022) (describing research abandoned for diagnostics for systemic lupus erythematosus, Alzheimer’s disease, major depressive disorder, the risk of melanoma causing metastasis in the brain, and schizophrenia), <https://ipwatchdog.com/2022/10/18/presenting-evidence-patent-eligibility-reform-part-iii-case-studies-litigation-data-highlight-additional-evidence-harm/id=152193/>.

technologies.⁴ Without a predictable and reliable patent system across all areas of technology to underpin robust, sustained private investment, the United States risks ceding ground it cannot easily recover.

The good news is that the patent system — when it operates properly — has historically been a wellspring of America’s innovative strength. It empowers those with bold new ideas whose worth may at first be doubted; and with perseverance backed by a reliable legal regime, such disruptive, innovative ideas can flourish.

In sum, PERA is vital, much-needed legislation. We welcome the Committee’s July 14 hearing and hope it will lead to the next stage in the legislative process — a Committee markup and, ultimately, passage. C4IP thanks the Committee for its attention to this important issue and stands ready to assist in any way it can.

Sincerely,

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

Frank Cullen
Executive Director
Council for Innovation Promotion (C4IP)

cc:

Sen. Marsha Blackburn, Member, Senate Committee on the Judiciary
Sen. Richard Blumenthal, Member, Senate Committee on the Judiciary
Sen. Cory Booker, Member, Senate Committee on the Judiciary
Sen. Katie Britt, Member, Senate Committee on the Judiciary
Sen. Chris Coons, Member, Senate Committee on the Judiciary
Sen. John Cornyn, Member, Senate Committee on the Judiciary
Sen. Ted Cruz, Member, Senate Committee on the Judiciary
Sen. Josh Hawley, Member, Senate Committee on the Judiciary
Sen. Mazie Hirono, Member, Senate Committee on the Judiciary
Sen. John Kennedy, Member, Senate Committee on the Judiciary
Sen. Amy Klobuchar, Member, Senate Committee on the Judiciary

[4] Jenny Wong-Leung et al., *ASPI’s Critical Technology Tracker: 2025 updates and 10 new technologies*, The Strategist (Dec. 1, 2025) (China leads in 66 of 74 tracked technologies; the United States leads in eight), <https://www.aspistrategist.org.au/aspi-critical-technology-tracker-2025-updates-and-10-new-technologies/>.

Sen. Mike Lee, Member, Senate Committee on the Judiciary
Sen. Ashley Moody, Member, Senate Committee on the Judiciary
Sen. Alex Padilla, Member, Senate Committee on the Judiciary
Sen. Adam Schiff, Member, Senate Committee on the Judiciary
Sen. Eric Schmitt, Member, Senate Committee on the Judiciary
Sen. Thom Tillis, Member, Senate Committee on the Judiciary
Sen. Peter Welch, Member, Senate Committee on the Judiciary
Sen. Sheldon Whitehouse, Member, Senate Committee on the Judiciary