



September 23, 2026

The Honorable Thom Tillis
Chairman
Senate Judiciary Intellectual Property
Subcommittee
113 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Adam Schiff
Ranking Member
Senate Judiciary Intellectual Property
Subcommittee
112 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Tillis and Ranking Member Schiff:

In advance of the upcoming oversight hearing on the U.S. Patent and Trademark Office (USPTO), the Council for Innovation Promotion (C4IP) writes to commend the Subcommittee for its attention to the strength and effectiveness of the nation's intellectual property system and to highlight several priorities that can help ensure the USPTO continues to support American innovation, economic competitiveness, and national security.

C4IP is a bipartisan coalition dedicated to promoting strong and effective intellectual property rights that drive innovation, boost economic competitiveness, and improve lives. C4IP is chaired by two former Directors of the USPTO, Andrei Iancu and David Kappos, who served under Presidents Trump and Obama, respectively. Our board further 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 former House Judiciary Committee Chairman Lamar Smith and former U.S. Secretary of Commerce Gary Locke.

The USPTO, funded not by taxpayer dollars but by fees paid by patent and trademark applicants and owners, has made important progress on a number of efforts to technologically modernize and operate efficiently. The Office has reduced patent and trademark backlogs and pendency while maintaining a focus on quality; pursued new tools and technologies to improve examination; taken important steps to restore predictability to post-grant proceedings; supported robust patent remedies through statements of interest in federal litigation; established a Standard-Essential Patent Working Group; and expanded its engagement with

innovators across the country. These efforts reflect an important focus on the USPTO's core mission: issuing reliable intellectual property rights efficiently and ensuring that those rights can support investment, commercialization, and American technological leadership. See [USPTO Patent Backlog Update](#); [USPTO Trademark Pendency Update](#).

Against this backdrop, we encourage the Subcommittee to monitor and support the USPTO's continued progress while advancing policies that strengthen the reliability and effectiveness of the U.S. intellectual property system. In particular, we urge the Subcommittee to focus on the following priorities:

Preserve the USPTO's Fee-Setting Authority and Strong Public Advisory Committees

C4IP strongly supports reauthorization of the USPTO's fee-setting authority. Fifteen years of experience have demonstrated the importance of giving a self-funded agency the ability to align its fees with the aggregate costs of the services it provides. That authority has helped the Office maintain operating reserves, hire and retain examiners, make long-term investments in information technology, and respond to changing operational needs.

As C4IP Co-Chair and former USPTO Director David Kappos recently testified before the House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet, Congress should reauthorize this authority cleanly and for a meaningful period of time, without using its expiration as a vehicle for unrelated patent-policy disputes. Other important policy questions should be considered on their own merits rather than conditioning the USPTO's ability to fund and manage its core operations on resolution of separate issues. A clean, long-term reauthorization would provide the stability and predictability the Office needs to plan responsibly, invest in technology and personnel, and maintain high-quality services through changing economic conditions. See [David Kappos Testimony on USPTO Fee-Setting Authority](#).

Just as important are the accountability and transparency mechanisms that accompany that authority. The Patent Public Advisory Committee (PPAC) and Trademark Public Advisory Committee (TPAC) provide an important channel for stakeholder input on fees, budgets, operations, and other matters affecting the intellectual property (IP) community. Their role is particularly important when the USPTO exercises authorities that can have significant consequences for inventors, entrepreneurs, businesses, and other users of the patent and trademark systems.

Congress should therefore reauthorize the USPTO's fee-setting authority cleanly and ensure that the Commerce Department maintains a fully constituted PPAC and

TPAC, ensuring these bodies operate as statutorily required: independent and capable of performing the important functions Congress assigned them.

Continue the Focus on the USPTO's Core Mission and Operational Performance

The USPTO is, at its core, a service organization. Inventors, entrepreneurs, universities, creators, and businesses depend on the Office to examine applications efficiently and carefully and to provide timely, predictable, high-quality services.

While we welcome the Office's continued focus on modernization, operational efficiency, and reducing patent and trademark backlogs, progress must continue. The unexamined patent application inventory has fallen substantially from its January 2025 high, and in FY 2026, for the first time in nearly a decade, cumulative first office actions exceeded cumulative new filings. The Office has also virtually eliminated the backlog in mailing Notices of Allowance through process improvements and automation. On the trademark side, first-action pendency fell significantly in FY 2025 and continued to decline during FY 2026 even as filings increased. See [USPTO Notice of Allowance Processing Update](#).

Congress should continue to exercise oversight to ensure the Office prioritizes further progress. Improvements in pendency, examination quality, information technology, workforce management, and customer service are not simply administrative matters; they directly affect the ability of American innovators to secure the intellectual property rights necessary to attract investment, commercialize new technologies, build businesses, and compete globally.

Congress should ensure that the USPTO has the flexibility to deploy its resources and manage its operations effectively, and should hold the Office accountable for measurable improvements in pendency, quality, efficiency, and service to its stakeholders.

Strengthen the Reliability and Enforceability of Patent Rights

The value of a patent depends not simply on obtaining it, but also on having confidence that the right can be meaningfully enforced. C4IP therefore welcomes the USPTO's renewed attention to patent remedies.

The USPTO, working with the Department of Justice, has filed statements of interest emphasizing the importance of applying the traditional equitable framework to requests for injunctive relief in patent cases. These filings appropriately recognize that unduly restricting access to injunctions can weaken the exclusionary right conferred by a patent and diminish incentives to invest in

innovation. The Office has also emphasized that licensing entities should not be categorically excluded from seeking injunctive relief. See [USPTO–DOJ Statement of Interest on Injunctive Relief](#).

These efforts reinforce a basic principle of the patent system: meaningful and predictable remedies are essential if patent rights are to serve their constitutional purpose of promoting innovation.

The Office has likewise appropriately focused attention on standard-essential patents. Technical standards underpin technologies ranging from telecommunications and connected vehicles to artificial intelligence and advanced manufacturing, and strong and predictable intellectual property rights are essential to sustaining U.S. participation and leadership in standards development.

The creation of the USPTO’s Standard-Essential Patent Working Group, together with initiatives to encourage participation by American small and medium-sized businesses, universities, and nonprofits in standards development, represents an important recognition of the connection between patents, standards, innovation, and American technological competitiveness. We encourage the Office to continue this work and to support fair treatment and predictable enforcement of standard-essential patents. See [USPTO Standard-Essential Patent Working Group](#); [Director Squires’s September 2026 Remarks on U.S. IP and Technology Leadership](#).

Promote Greater Predictability and Reliability at the PTAB

C4IP also supports the USPTO’s efforts to improve proceedings before the Patent Trial and Appeal Board (PTAB) and, in particular, the principles reflected in its proposed rule addressing inter partes review proceedings. See [USPTO Proposed Rule Governing Inter Partes Review](#).

The post-grant proceedings created by the America Invents Act were intended to provide an efficient mechanism for reviewing patent validity—not to create perpetual uncertainty surrounding issued patent rights. Serial, parallel, and otherwise duplicative challenges can impose substantial costs on patent owners and undermine confidence in rights that have already been examined and issued by the USPTO.

The proposed framework appropriately recognizes that both sides of the patent system matter: legitimate challenges to patent validity must remain available, while patent owners should have greater confidence that an issued patent will not be subjected to repeated and duplicative attacks. Greater consistency and predictability in institution decisions will benefit patent owners, petitioners, investors, and the innovation ecosystem more broadly.

Concerns about repeated administrative challenges are not limited to Inter Partes Review (IPR) proceedings. The increased use of ex parte reexamination as an alternative means of challenging issued patents underscores why the answer cannot simply be to shift repetitive challenges from one USPTO proceeding to another.

We therefore welcome the Office's recent efforts to address potential abuse of ex parte reexamination as well. The USPTO has taken steps concerning anonymous requests involving patents previously challenged through IPR or Post Grant Review (PGR) and has proposed requiring third-party reexamination requesters to identify all real parties in interest. Those measures can help the Office identify overlapping challenges, apply statutory estoppel where appropriate, and guard against parties using different administrative mechanisms to subject the same patent to repeated attacks. See [USPTO Proposed Real-Party-in-Interest Rule for Ex Parte Reexamination](#); [USPTO Guidance on Anonymous Reexamination Requests](#).

Taken together, these initiatives reflect an important principle: the patent system should provide a meaningful opportunity to challenge patents, but it should also provide eventual repose and confidence in issued rights. We support continued efforts to bring greater balance, predictability, and confidence to post-grant proceedings.

Advance an Affirmative Congressional Innovation Agenda

Oversight of the USPTO should be accompanied by an affirmative congressional agenda to strengthen the broader U.S. intellectual property system.

Congress has before it a number of bipartisan proposals that address longstanding weaknesses and uncertainties in that system:

- The Patent Eligibility Restoration Act (PERA) would restore greater clarity and predictability to patent eligibility, including for important emerging technologies and medical innovations.
- The PREVAIL Act would improve fairness and consistency in post-grant proceedings and reduce duplicative patent challenges.
- The RESTORE Patent Rights Act would strengthen the ability of patent owners who prove infringement to obtain meaningful relief against continued unauthorized use of their inventions.
- The previously introduced SHOP SAFE Act would strengthen protections against counterfeit goods sold through online marketplaces, protecting both American brands and consumers.

- The NO FAKES Act would establish federal protections against unauthorized digital replicas of individuals' voices and likenesses, helping ensure that advances in artificial intelligence do not come at the expense of creators and other individuals whose identities and work are misappropriated.

These measures address different parts of the IP system, but they share an important objective: ensuring that American innovators and creators can rely on intellectual property rights that are clear, predictable, enforceable, and capable of supporting the enormous investments required to turn ideas into products, companies, jobs, and industries.

Congress should also reject proposals that would unnecessarily weaken patent rights. Alongside this affirmative agenda and effective USPTO oversight, Congress should be wary of legislation that would erode the reliability and stability of patents. Such proposals often rest on misperceptions about how the patent system works or on flawed data. The Eliminating Thickets to Increase Competition (ETHIC) Act and the Medication Affordability and Patent Integrity Act, for example, would single out pharmaceutical and biologic patents for special restrictions. These bills are unlikely to achieve their stated goal of lowering drug costs. They would, however, weaken the incentives that drive the high-risk, long-term investment needed to develop new treatments. Carving particular industries out of the uniform protections that have long defined the U.S. patent system would also put American innovators at a competitive disadvantage, just as global competitors are working to strengthen their own innovation ecosystems. Congress should decline to advance these measures.

Strengthen U.S. Competitiveness and Technological Leadership

The stakes of having effective IP institutions and laws extend well beyond the intellectual property system itself. Leadership in critical technologies increasingly determines economic strength, supply-chain resilience, military capabilities, and national security. Other countries—most notably China—are pursuing deliberate strategies to develop, acquire, protect, and commercialize intellectual property in technologies that will shape the coming decades. The United States should be equally deliberate about maintaining the innovation ecosystem that has long been one of our greatest national advantages.

The competition with China makes this particularly urgent. China has made technological self-reliance and leadership in critical and emerging technologies national priorities and has invested heavily in building its domestic innovation and intellectual property ecosystem. The United States should not attempt to compete by weakening the incentives that have made our innovation economy successful.

Our competitive advantage lies in a system that rewards invention, attracts private capital to risky new technologies, enables startups and smaller innovators to compete with established incumbents, and provides confidence that valuable intellectual property can be protected and enforced. A strong, predictable, and reliable IP system is therefore not simply an economic policy—it is an essential component of maintaining U.S. technological leadership and competing successfully with China.

America's intellectual property system has helped make the United States the world's leading innovation economy. Congress and the Administration now have an opportunity to build on the progress underway at the USPTO, preserve the institutional structures that promote accountability and stakeholder engagement, strengthen confidence in issued intellectual property rights, and advance an affirmative bipartisan agenda that ensures the next generation of transformative technologies is invented, financed, developed, and commercialized in the United States.

We appreciate the Committee's leadership and look forward to working with Congress and the Administration toward these goals.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Frank Cullen", is positioned below the "Respectfully submitted," text.

Frank Cullen
Executive Director
Council for Innovation Promotion (C4IP)