



The Honorable Howard Lutnick
The Honorable John Squires
The Honorable Scott Bessent
The Honorable Susie Wiles
The Honorable Kevin Hassett
The Honorable Russell Vought
The Honorable Peter Navarro

US Inventor represents all independent inventors and patent-based startups across America. We fully support the actions of President Trump, Secretary Lutnick, Director Squires, and Deputy Director Stewart to restore balance, statutory discipline, and confidence in the U.S. patent system.

The America Invents Act (AIA), enacted in 2011 and signed into law by President Obama, created the Patent Trial and Appeal Board (PTAB) as a mechanism intended to improve patent quality by correcting allegedly widespread examination errors. The implementation of this law has had significant negative consequences for American innovation.

Over the past decade, expanded administrative cancellation procedures and weakened patent enforceability have increased uncertainty for patent holders — particularly independent inventors and small businesses. This uncertainty has reduced investor confidence in patent-based startups, diminished leverage against entrenched incumbents, and made capital formation more difficult for early-stage innovators. The resulting erosion of patent reliability has negatively impacted American innovation, small business growth, manufacturing competitiveness, and job creation in technology-driven sectors where enforceable intellectual property is often the primary asset securing investment.

More than a decade later, the empirical evidence does not support the original premise that systemic examination failure required such an expansive cancellation regime.

The Sunwater Institute's 2024, Policy Report [Patent Quality in the United States](#), found that the USPTO's Type 1 error rate — the improper grant of invalid claims — is in the single digits (less than 9%) and lower than comparable foreign patent offices. The report further explains that PTAB and district court invalidation statistics are subject to selection bias and cannot reliably measure patent quality.

USPTO's own [statutory compliance metrics](#) tell a similar story. For FY2023, compliance under 35 U.S.C. §§ 101, 102, 103, and 112 ranged from approximately 92% to 98%. These are not the numbers of a system plagued by systemic issuance of "bad patents."

Additionally, as Deputy Director Coke Stewart has clarified, of approximately 600 internal reviews frequently cited to justify expansive post-grant review mechanisms, the number of confirmed examiner errors was only 53. The narrative of widespread examination failure was materially overstated.

A recent letter from a coalition of entities urging the withdrawal of PTAB reform continues to rely on false data and an overstated premise. But it also makes false claims and pushes false narratives. One such claim is that the PTAB is "...the only contested proceedings in which asserted patents can be efficiently reviewed for validity by technical experts." One such "technical expert" was Matt Clements. Mr. Clements was an attorney defending Apple against patent infringement. He then became an

Administrative Patent Judge (APJ) at the PTAB where almost every case he was on regarding Apple was won by Apple. Then he left the PTAB and went back to work for Apple. Staggering conflicts of interest like this are not allowed in real court jury trials and add to the unfairness of the PTAB.

Regarding “technical experts,” it is rare that even one APJ on a 3-judge panel has comparable expertise and experience in the field of the patent in question that the Patent Examiner who issued the patent had. Yet these individuals have full authority to invalidate patents on totally subjective grounds.

Prior to the law that created the PTAB, the process for having patents efficiently reviewed by actual technical experts for validity was the re-examination. This is still available, but accused infringers prefer the PTAB because of the extremely high kill rate – over 80%! The validity of patents is also fairly determined in jury trials.

The coalition letter also claims that PTAB reform will increase pharmaceutical prices. Yet pharmaceutical and biotechnology patents represent only a small fraction — approximately 7% — of PTAB petitions. The overwhelming majority of PTAB challenges arise in other sectors. The mathematical link between PTAB policy and drug pricing is therefore weak.

More importantly, prior to President Trump’s Executive Order regarding American drug pricing, the main reason that American drug prices were so high was not because of patents but was because of control by Pharmacy Benefit Managers (PBMs). Senate hearings made this very clear. But in 2025, President Trump’s Executive Order on drug pricing directed federal agencies to pursue Most-Favored-Nation pricing, aligning U.S. drug prices with the lowest prices paid in comparable developed nations.

Now, the pricing distortions created by PBMs and insurance companies have been handled. The President’s strategy demonstrates that high drug prices are driven primarily by supply-chain and intermediary structures — not by patent validity standards. Weakening patent rights does not address pricing distortions; reforming intermediary incentives does.

The coalition letter also pushes the “Patent Troll” false narrative. Non-practicing entities provide the secondary market for patents. They encourage innovation. If a non-practicing entity asserts a bad patent, the litigation will fail. If the accused infringer believes the patent is bad, it can be addressed in a re-exam or a jury trial. If the system was more fair, like it was before the PTAB was created, inventors would more often go to court on their own rather than selling to a non-practicing entity. Large corporations don’t like non-practicing entities because they are effective.

The coalition also raises concerns about foreign entities asserting questionable patents against U.S. companies. A greater concern is foreign state-affiliated entities using PTAB proceedings to invalidate American patents, weakening U.S. innovators and eroding domestic technological advantage. Companies like Huawei and ZTE have done this hundreds of times. When American patents can be administratively canceled through serial petitions and procedural mechanisms untethered from statutory limits, the beneficiaries are not only large domestic incumbents, but also foreign competitors seeking to diminish U.S. technological leadership. Strong and reliable patent rights enhance American competitiveness and national security.

Weakening patent reliability carries serious economic consequences. Reliable and enforceable patents are often the only meaningful asset early-stage technology companies possess when competing with entrenched incumbents. Since the enactment of the AIA and the expansion of PTAB practice, investor uncertainty regarding enforceability has increased capital risk for patent-based startups. At a time when global competitors are investing heavily in strategic technologies, the United States should be strengthening — not destabilizing — its system of property rights for inventors.

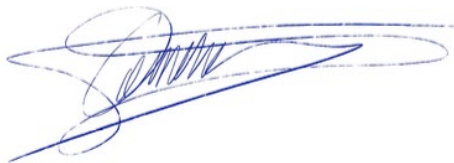
America's innovation leadership was built on secure and enforceable patent rights that empowered individuals and startups to challenge established interests and build entire industries. Bringing statutory discipline and predictability to PTAB proceedings reinforces that foundation and strengthens American competitiveness.

In the interest of staying ahead of our adversaries technologically, bringing manufacturing back to America and having the kinds of American startups that this great nation needs, we respectfully urge continued support of John Squires' reform efforts that seek to align PTAB practice with empirical evidence, statutory limits, and the long-term economic interests of the United States.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randy Landreneau". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Randy Landreneau, President
US Inventor, Inc.
www.USInventor.org

A handwritten signature in blue ink, appearing to read "Dirk Tomsin". The signature is more stylized and less legible than the one on the left, with several loops and a long horizontal stroke.

Dirk Tomsin, COO
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