



FOR IMMEDIATE RELEASE:

On October 15th, The Alliance of U.S. Startups and Inventors for Jobs (USIJ) [submitted comments](#) in response to the USPTO's "[Request for Information re Patent Eligibility Study](#)." USPTO is collecting comments on the state of patent eligibility jurisprudence in the United States at the direction of Senate Judiciary IP Subcommittee Ranking Member Tillis (R-NC) and senators Hirono (D-HI), Cotton (R-AR), and Coons (D-DE). In a [letter](#) to the USPTO in March 2021, the senators explained that the study will help them consider "what legislative action should be taken to reform our eligibility laws." USIJ Executive Director Chris Israel issued the following statement:

"USIJ supports the initiative undertaken by the current leadership of the USPTO at the request of Senators Tillis, Hirono, Cotton, and Coons, all who have demonstrated a genuine interest in the Supreme Court's interpretations of 35 USC § 101, including the manner in which the Federal Circuit and lower courts have implemented those interpretations.

Since 2005, the Supreme Court has issued four unprecedented rulings related to Section 101, which collectively demonstrate the high court's willingness to substitute its own judgment for the statutory language adopted by Congress and thereby significantly expand the types of inventions that no longer are deemed "patent eligible." This, in turn, has diminished the level of entrepreneurship and investor appetite for starting new companies and pursuing new technologies in industries that are dominated by large, well-funded incumbents, such as those that dominate digital technologies. In fact, several of the investors who form part of the USIJ community report having decided not to invest in certain areas of technology, such as diagnostic procedures, as a result of the manner of which the Mayo decision is being applied by the Federal Circuit.

USIJ is hopeful that this study will demonstrate the dire need for legislative reform to Section 101, a crucial step in renewing this country's commitment to the startups, entrepreneurs, and inventors who have played such an important role in ensuring U.S. dominance of critical technologies. By providing clarity on this matter in statute, Congress can help ensure that America's unique ability to translate scientific learning into new products and services is fully harnessed."

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About the USIJ:

USIJ is an association of inventors, startups, venture capital investors, entrepreneurs and supporters, whose efforts to bring new companies and new technologies into being are entirely dependent on a reliable system of patent protection. Collectively, we have launched dozens of companies in areas including biotechnology, clean energy, medical devices and wireless technology.

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