May 27, 2025

USIJ RESPONSE FTC REQUEST for INFORMATION

Pursuant to Executive Order 14267 entitled "Reducing Anti-competitive Regulatory Barriers" (April 9, 2025), the Federal Trade Commission ("FTC") staff has Requested Public Comment ("RPC") on how federal regulations are harming competition in the American economy. The Alliance of U.S. Startups and Inventors for Jobs ("USIJ") responds herein to that RPC.

Alliance of US. Startups and Inventors for Jobs ("USIJ") Was Created to Advocate for Intellectual Property Rights and Retention of America's Leadership in Science and Technology. USIJ is a coalition of 30 companies – startups, entrepreneurs, inventors and venture capital investors – all of which depend on stable and reliable patent protection as a foundational prerequisite for making long term investments of capital and time commitments to high-risk businesses developing new technologies. USIJ was formed in 2012 to address concerns that legislation, policies and practices adopted by the U.S. Congress, the Federal Judiciary and certain Federal agencies were and are placing individual inventors, entrepreneurs and research-intensive startups ("USIJ Cohort") at an unsustainable disadvantage relative to their larger incumbent rivals, both domestic and foreign, and others that would make wrongful use of their inventions and patents. A disproportionately large number of strategically critical breakthrough inventions are attributable to such individual inventors and small companies. USIJ is committed to promoting a strong intellectual property system that supports innovation, investment, and breakthrough technologies that can change our world. Our mission is to ensure this system continues to thrive for the benefit of American startups and inventors, and most importantly, American leadership in science and technology. USIJ collaborates with several other associations that are similarly concerned with the declining reliability of U.S. patents essential to protect our country's most important inventions that will define the future of science and technology.

Overview. The RPC sets forth several potential paths by which existing federal regulations could have an anticompetitive impact on the U.S. economy and on innovation and entrepreneurship needed to power our continued growth. Four of those paths characterize quite accurately some of the procedures and practices of the Patent Trial & Appeal Board ("PTAB"), an administrative tribunal within the U.S. Patent and Trademark Office ("PTO") having the statutory

power to cancel issued patents.[1] Although originally conceived as an alternative to litigation, and a vehicle for simplifying and reducing the cost of patent litigation for all litigants, the operation of the PTAB in actual practice has become a costly, duplicative venue that strongly favors large corporate infringers over much smaller patent owners – *i.e.*, inventors, entrepreneurs, startups, small companies and their investors. Since its creation in 2011, the PTAB has destroyed the value of thousands upon thousands of patents covering inventions that were developed – often at considerable cost in human resources and capital – in reliance on the belief that the U.S. patents protecting these inventions were reliable and enforceable.[2] The actual economic impact of the PTAB, as it is currently configured, (i) "facilitate(s) the creation of de facto and de jure monopolies (RPC ¶1.a); (ii) creates unnecessary barriers to entry for new market participants (RPC ¶1.b.); (iii) has the effect of limiting competition between actual or potentially competing entities (RPC ¶1.c); and (iv) allows the imposition of anti-competitive restraints or distortions on the operation of the free market (RPC 1.f).

The stated focus of the RPC is on regulations having an "anti-competitive" impact; we do not believe that this inquiry should be rigidly constrained by the traditional parameters of short-term antitrust analysis – *i.e.*, defining relevant markets and examining the economic effect of regulations in those markets, examining current effects on consumer welfare, and seeking to balance potential procompetitive against potential anticompetitive outcomes. Where innovation is concerned, particularly early-stage innovation, "competition" does not always map readily to existing antitrust jurisprudence, because the dynamic and competitive impact of truly innovative breakthrough inventions – often inventions that few if anyone thought even possible – may not be felt for years.[3] In 1995, the FTC and the Department of Justice ("DOJ") jointly issued "Antitrust Guidelines for the Licensing of Intellectual Property" ("IP Guidelines"), which for the first time set forth an intention to examine the impact of mergers and other conduct in the light of "innovation

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[1] The PTAB was created in 2011 by the Leahy-Smith American Invents Act, Public Law 112 – 29 ("AIA"), modifying major portions of the Patent Act found in Title 35 of U.S. Code. The power to cancel existing patents is found in 35 U.S.C. §§ 311-319 and 321-329. The PTAB is implemented through Title 42 of the Code of Federal Regulations, §§ 42.200 through 42.123.

[2] From the creation of the PTAB to the present, the cancellation rates for patent claims challenged in IPRs has ranged from a high of 80% to a low of 55% during the prior Trump Administration. See Stephen T. Schreiner, IP Watchdog, November 25, 2024. https://ipwatchdog.com/2024/06/25/recent-statistics-show-ptab-invalidation-rates-continue-climb/id=178226. Such outcomes have a devastating effect on entrepreneurs and their investors contemplating a project that is likely to take years before revenue will be sufficient to cover the cost of research and development.

[3] Examples abound. The digitization of images, for example, was built on discoveries and inventions that began in the 1800s with the invention of binary numbers, progressed into the 1900s with the development of computing, until 1957 when the first actual digital image was created at the National Bureau of Standards. https://www.nist.gov/mathematics-statistics/first-digital-image. Even after showing the feasibility of creating such an image, that groundbreaking achievement did not "compete" with any existing technology at the time and would not do so for years, yet that event set in motion the obsolescence and competitive replacement of the primary products sold by many of the world's most prominent and powerful companies – Polaroid, Kodak, Fuji, Xerox among others.

markets" as described in the IP Guidelines.[4] In reference to the IP Guidelines, Assistant Attorney General Anne Bingaman, made the following statement:

> "Innovation…takes many forms. The term is applied to basic scientific breakthroughs, important commercial inventions, product modifications and new production techniques. All are important to society. Innovation, whether in the form of improved product quality and variety or production efficiency that allows lower prices, is a powerful engine for enhancing consumer welfare. By prohibiting private restraints that impede entry or mute rivalry, antitrust seeks to create an economic environment in which the entrepreneurial initiative that is the hallmark of the U.S. economy can flourish; it creates and maintains opportunities for bringing innovations to market. Similar benefits flow from avoiding or eliminating governmentally imposed restraints on competition. That is why the Department of Justice, for many years, on a bipartisan basis, has sought to persuade a variety of regulatory agencies that the best way to serve the public was to promote competition within the industries subject to their regulation."[5]

As the enforcement agencies proceed with their analysis of existing regulations, USIJ strongly urges that attention be paid to the significance of early-stage innovation that harbingers future competition with existing incumbents. In this connection, it is also significant that many consumer electronics products are so large and contain so many components and features that a startup or small company may never be able to compete with the principal product itself, but may develop features or peripheral products that can be added to or incorporated into a larger one. The creation of new technologies that can be licensed to larger firms is one of most important aspects of the U.S. patent system and is largely responsible for much of the innovation that has occurred for two hundred years or more. George Westinghouse did not invent a railroad or a railroad car; but he did invent a device that made travel by train far safer – the air brake – and the ability to enforce that patent stands as a monument to U.S. innovation.[6]

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[4] The current IP Guidelines can be found at https://www.justice.gov/atr/IPguidelines/dl. The original Guidelines were updated in 2017 and can be found at https://www.justice.gov/atr/archived-1995-antitrust-guidelines-licensing-intellectual-property. For an excellent discussion of this topic, see "Antitrust Regulation of Innovation Markets," Remarks of J. Thomas Rosch, Commissioner, Federal Trade Commission, ABA Antitrust Intellectual Property Conference, Berkeley, CA, February 5, 2009.

[5] Lecture at the University of Kansas Law School by Anne K. Bingaman, "Competition and Innovation: the Bedrock of the American Economy," Sept 19, 1996. https://www.justice.gov/archives/atr/speech/competition-and-innovation-bedrock-american-economy.

[6] Haber and Lamoreaux, THE BATTLE OVER PATENTS: HISTORY AND POLITICS OF INNOVATION, Oxford University Press (2021). It is significant that the railroad industry was unhappy about having to pay royalties for use of Westinghouse's invention and attempted – unsuccessfully – to require the company to dedicate or abandon its patents on the theory that they were essential for public safety.

Reliable and Enforceable Patents Are Essential to Genuine Innovation. Critical to any effort to understand how regulatory barriers impede innovation, particularly those that govern the PTAB, is a recognition that reliable and enforceable patents are essential to the most important types of innovation – the breakthroughs that challenge the market dominance of incumbent companies.[7] Many new technologies, particularly those requiring lengthy time periods to prove economic feasibility, can attract the people and capital needed to undertake such projects only if risk-tolerant entrepreneurs, inventors and their investors believe that once developed, they will be able to prevent larger incumbents from simply copying their new technology. Without enforceable patents, there often is little or no reason to take on the inherent risks that exist in trying to move a science project from the laboratory to a marketable product – risks that include insufficient capital available for an indeterminate time period the project may require, technological risks that some other entity might leapfrog the new technology, execution risk that key people may leave, market risk, etc.

An added risk, and often a dispositive one, is the likelihood of misappropriation by other and larger companies. Without reliable and enforceable patents, few if any startups can survive in head-to-head competition with large incumbents that copy their new technology. Once a new technology is proven to be feasible, incumbents enjoy tremendous advantages of scale and the benefit of established brands and engineering, distribution and marketing infrastructure already in place, whereas most smaller companies need to build these things from scratch or form joint ventures and partnerships to advance their technologies from a proof-of-concept stage to deliverable products. In today's world, many of the new technologies invented by individual inventors and startups are successfully misappropriated by larger incumbents, with the expected result of causing some of our finest and most productive inventors and their venture capital investors to look elsewhere for their creative talents. A study by Professor Mark F. Schultz at Akron University demonstrates a significant shift in venture capital away from patent essential technologies that are critical to national security and toward less risky investments such as fashion, smartphone apps, hotels and the like.[8] Only patents that are respected by the community will prevent incumbents from running roughshod over a startup, particularly one whose technology threatens to render incumbent technology obsolete or diminish its market share. Even the negotiations essential to forming joint ventures and partnerships become far more precarious and risky without enforceable patents, and this inhibits the most effective vehicle for a small company to bring products to market.

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[7] Numerous academic studies link a strong patent system with widely diversified innovation by inventors and entrepreneurs. *E.g.*, Barnett, INNOVATION, FIRMS AND MARKETS: THE ORGANIZATIONAL LOGIC OF INTELLECTUAL PROPERTY (Oxford University Press 2021); Stanford Professor Stephen Haber, "Patents and the Wealth of Nations," Geo. Mason L. Rev., 23:4, pp. 811 *et. seq*.

[8] Mark Schultz, "The Importance of an Effective and Reliable Patent System to Investment in Critical Technologies," USIJ Research Paper (2020) https://www.usij.org/research/2020/8/3/usij-releases-report-on-the-importance-of-an-effective-and-reliable-patent-system-to-critical-technologies.

More troublesome than the inherent economic handicap that startups endure from the outset is the relatively recent emergence of an intentional and systematic effort by some of the world's largest companies to neutralize the patents of smaller companies altogether, a business strategy euphemistically (and cynically) dubbed "efficient infringement," as if this were no more than a benign business practice.[9] In reality, it is neither benign nor "efficient" to steal technology owned by smaller companies; it is more akin to hiring thugs to steal physical materials used to make products. There is, however, a widespread lack of respect for the intellectual property rights of startups and small companies that has been fostered, at least in part, because PTAB procedures permit and encourage it.[10]

Infringement strategies come in several flavors, one being to invite a startup to engage in potential licensing discussions, get a good look at its new technology, then simply copy the technology and challenge the relevant patents in the PTAB. To create more leverage and make it more expensive still, the IPR petitions may extend beyond the asserted patents to other patents owned by the same entity. Another strategy is to copy new technology without regard to whether or not it is patented and refuse to take a license, again with almost unlimited opportunities to assert PTAB challenges to the validity of any patents that might be asserted by the owner. Still another is to entice away the most knowledgeable technical people from an innovative startup using salaries and stock options that startups cannot match. Most of the time there is no reprisal in these situations, but even if sued for infringement, the infringer predictably will hire very capable lawyers and litigate aggressively until the case goes away or can be settled for a fraction of its value. The PTAB provides endless opportunities for driving up litigation costs by delaying final resolution of almost any case.[11] Although the creation of the PTAB is not the only action taken by U.S. governmental institutions that weaken the enforceability of patents, it is certainly

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[9] Much has been written about the systematic efforts of some of the largest technology companies to spend enormous sums on lobbying politicians and hiring lawyers to argue to courts with the stated objective to weaken the U.S. patent system and allow their unlawful use of the technology of smaller companies. *See, e.g.*, Nick Matich, "Big Tech has Eviscerated America's Patent System," Real Clear Policy (April 5, 2023), available at: https://www.realclearpolicy.com/articles/2023/04/05/big_tech_has_eviscerated_americas_patent_system_891935.html; Jonathan M. Barnett, "The Big Steal," published by Oxford University Press (2024) (p. 153 et seq).

[10] *See, e.g.*, Osenga, "'Efficient' Infringement and Other Lies," Seton Hall Law Review, 52:1085, 1101-1104; Adam Mossoff and Bhamati Viswanathan, "Explaining Efficient Infringement," https://cip2.gmu.edu/2017/05/11/explaining-efficient-infringement.

[11] We discuss below a case in which the patent owner, a small company that developed and patented highly sophisticated data storage technology, has spent 16 years of the patent's existence being examined and reexamined by the PTO, including a recent ruling by the PTAB that a claim previously held valid is now cancelled. During most of that time, an infringement suit brought against a large company has been on hold, allowing the large company to continue to profit from infringing. This case may be something of high-water mark, but the same plight is exhibited to a lesser extent in countless other situations.

one of the features most often viewed by entrepreneurs and their investors as limiting their ability to innovate and to compete.[12]

Origins and Operation of the PTAB. The PTAB was created as part of the so-called Leahy-Smith America Invents Act, Public Law 112 - 29 ("AIA"), enacted by Congress and signed by President Obama in 2011 after nearly 10 years of Congressional consideration and debate. Many large companies – particularly those in the consumer electronics industries – persuaded Congress that patent litigation could be made less costly by creating procedures whereby allegedly "bad patents" could be challenged by companies affected by such patents and, where appropriate, cancelled by the PTO without using judicial resources or incurring the expense of litigation. A similar procedure, called an "opposition," exists in a number of European countries through which competitors of a patent owner can challenge the validity of any patent within a few months of issuance. The legislation that later became the AIA created a similar procedure allowing companies affected adversely by the issuance of a U.S. patent to challenge its validity and any statutory ground set forth in the Patent Act (35 U.S.C. §§ 101 – 104, 112, etc.). The right to adjudicate validity was limited to 9 months from the date of issuance and was called "Post-Grant Review" ("PGR") (35 U.S.C. §§ 321 et. seq.).

For companies frequently accused of infringement, however, an opportunity to challenge patents for the life-of-the-patent was an important political objective, and as a compromise, Congress created what was referred to during the deliberations as a "second window," which allowed challengers to petition the PTO to cancel patents at any time the patent still had legal effect. The proceeding was called "Inter Partes Review" ("IPR") (35 U.S.C. §§ 311 et. seq). There was a great deal of opposition to this "second window" from the inventor community and many key members of Congress were particularly concerned that the procedure not become a mechanism for large companies to harass inventors and smaller companies. The legislative history is clear that Congress did not want to subject inventors to multiple IPR challenges in the PTAB, but that is precisely what occurred. A white paper by USIJ details both the legislative

[12] For nearly 20 years, the U.S. Supreme Court, on its own and contrary to the clear statutory language chosen by Congress, has chosen to weaken the U.S. patent system in several important ways. The most egregious rulings have been *eBay v. MercExchange*, 547 U.S. 388 (2006) in which the Court set aside 200 years of patent law to essentially eliminate the availability to small companies of injunctions to prevent infringement of their patents; *Alice v. CLS Corp* 573 U.S. 208 (2014) in which the Court rejected the clear language in 35 U.S.C. §101 as what inventions are eligible for patent protection in favor of a bizarre test as to whether an invention is merely an abstract concept, and *KSR Int'l Co. v. Teleflex Inc.,* 550 U.S. 398 (2007) in which the Court allowed the lower courts to find virtually any invention an obvious variation of something that was already in the public domain using hindsight based on the invention disclosure itself. These rulings and others have done enormous damage to the value of patents as an incentive for creating and disclosing inventions.

history of the PTAB and the actual experience of startups and small companies trying to enforce their patents that were dragged into IPRs.[13]

The procedures set forth in the AIA and its implementing regulations and practices give the PTAB far too much autonomy for a fair and balanced consideration of the circumstances under with an administrative agency should have the power to destroy a property right granted by the United States government.[14] The process starts with a petition to cancel one or more claims in a patent, which can be filed by anyone without regard to whether the petitioner has anything at stake or is affected by the patent. It is not difficult to envision how the ability to petition the PTO to cancel other entity's patents without any personal interest in the outcome has led to egregious abuses. One such example that surfaced early was for hedge firms to identify a company whose value was dependent on a small number of key patents, sell short the company's stock, file a highly publicized IPR petition to drive the stock price down, and then cover the short sale to harvest the differential between the lower price and the original price.[15] Another technique was to identify a patent that recently had been upheld by a district court accompanied by a substantial damage award, file an IPR petition to cancel the patent, and then approaching one or both of the parties with an offer to withdraw the petition in exchange for a payment.[16] Further, the absence of any standing requirement gave rise to the emergence of surrogates, such as Unified Patents, that are funded by large companies that have been or expect to be sued for patent infringement. These surrogates file IPR petitions, concealing their monetary relationship with the accused company in hopes of avoiding the estoppel provisions that in theory prevent a company that

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[13] USIJ Research Paper, "How One Bite at the Apple Became Serial Attacks on High Quality Patents," https://www.usij.org/research/2018/serial-attacks. A thoughtful analysis of the congressional intentions in enacting the AIA and its dreadful aftermath was written by Philip Johnson who, in his role as Senior Vice-President for Intellectual Property Policy & Strategy at Johnson & Johnson, participated in the congressional debates over the AIA. *See*, Phil Johnson, "A Look Back at the Legislative Origins of IPRs," IPWatchdog 11.1.2018. ("[I]t was neither Congress's intent nor that of most of AIA's supporters to create an unfair IPR patent 'killing field.'"). https://ipwatchdog.com/2017/09/20/look-back-legislative-origin-iprs/id=88075.

[14] The Patent Act is quite clear that issued patents constitute personal property. 35 U.S.C. §261.

[15] "PTAB to determine whether to sanction Kyle Bass for filing IPRs," https://ipwatchdog.com/2015/08/17/ptab-to-determine-whether-to-sanction-kyle-bass-for-filing-iprs/id=60722.

[16] In 2021, VLSI was awarded approximately $2 billion in damages for patent infringement against Intel. The verdict included a determination that Intel had not proven the patent to be invalid. Thereafter, an enterprising entity calling itself Open Sky filed an IPR and offered to settle with both VLSI and Intel, presumably depending on which one would pay the most. The then Director of the PTO awarded sanctions against Open Sky for attempted extortion, but in its quest to find patents invalid, allowed the IPR to go forward and allowed Intel to join it. https://www.sternekessler.com/app/uploads/2023/05/4_takeaways_from_openskys_ptab_sanctions.pdf. Intel could not otherwise have filed an IPR because it was out of time. The notion that a patent that has been through litigation before an Article III judge can then be nullified by an administrative patent judge is truly offensive to many companies that rely on their patents for protection. A small company at that point will have invested millions of dollars in the litigation. The outcome invites any losing defendant to arrange with a third party of its choosing to make a similar filing as a way to get yet another "bite at the apple."

brings an IPR petition to subsequent challenge the same patent on the same grounds. The PTAB has not done a good job of identifying these "stalking horse" cases brought by surrogates.

A major problem with the PTAB stems from multiple attacks on the same patent – the very concern, as noted above and in fn.14 that was expressed in Congress at the time of enactment. This problem has plagued patent owners challenged in the PTAB in several ways. As noted in USIJ Research Paper in fn.14, "How One Bite at the Apple Became Serial Attacks on High Quality Patents," virtually all of the patents that are targeted by IPR petitions are brought by large companies against much smaller companies, often with multiple petitions challenging the same patent brought by the same petitioner. Another and somewhat similar problem results from allowing multiple entities in a chain of distribution to attack the same patent claim. Thus, when one entity makes a product that uses an infringing component, it is allowed to petition for an IPR and, if it loses the challenge – i.e., the patent is upheld – the company that sells the component can then assert essentially the same arguments to get a "second bite at the apple," with full knowledge of argument that did not work first time around.[17]

Perhaps the most compelling example showing the PTAB's willingness and availability to facilitate the abuse of patent owners can be seen in the pending Federal Circuit appeal from the PTAB in *Netlist, Inc. v. Samsung Electronics Ltd,* Dkt. No. Case No. 24-2304, with respect to Claim 16 of U.S. Patent No. 7619912, which covered a new configuration of computer memory for more efficient data retrieval. The application for the patent was filed in September 2007 and issued in September 2009. A few months later, several companies – including Google – asked the PTO to review the patent using a pre-AIA procedure called inter partes reexamination, which was replaced in 2011 by the IPR procedure and the PTAB. After several more years of requests for reconsideration and appeals, the PTAB concluded that Claim 16 had not been shown to be invalid, and Google appealed that decision to the Federal Circuit, which affirmed. Thereafter, Google's supplier of the accused component, Samsung, filed yet another IPR petition and the PTAB decided to use a different method of interpreting the scope of Claim 16 to find it invalid. That matter is now on appeal to the Federal Circuit for the second time on the same claim. By the time the Samsung appeal is concluded, the Netlist patent will have spent virtually all of its 20-year life being considered and reconsidered by the PTO but not allowed to be enforced. Something is grievously wrong with this scenario. Few companies the size of Netlist are able to commit the necessary resources to patent litigation to address infringement by companies as large as Samsung and Google.

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[17] It is not difficult to show that almost any patent, if put through a validity trial in front of different judges, has a chance of losing that increases exponentially with the number of challenges. See, e.g., Sabattini, "PTAB Challenges and Innovation: A Probabilistic Approach," https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3668216. This demonstrates the primary evil of allowing successive entities to attack the same patent repetitively in an administrative tribunal whose ruling demonstrate a very high probability of success for the petitioners.

The Netlist case illustrates another of the egregious forms of abuse permitted by the PTAB – *i.e.,* its willingness to allow petitions for IPR to go forward even after an Article III court has found a patent claim valid and infringed. The AIA gives the PTO Director ample authority to deny the institution of a PTAB trial, but the practice has continued since the outset.

USIJ Suggestions for Positive Actions by the Antitrust Enforcement Agencies. Consistent with long-standing practices of DOJ and the FTC to encourage other agencies of the Federal government to pursue policies that encourage robust competition, and where appropriate to file amicus briefs in cases where the outcomes are potentially anticompetitive, USIJ believes that a number of specific actions by either or both agencies could be helpful.

1. In any examination of regulations governing the PTO or the PTAB, we strongly urge that early-stage innovation be looked at as an objective unto itself and not considered as merely a subset of innovation by large incumbents. A compelling body of economic literature demonstrates that breakthrough inventions that challenge existing technologies and incumbents are far more likely to come from startups and entrepreneurs than from established companies. Large companies do many things well, such as large-scale manufacturing, distribution and worldwide marketing. What these companies rarely do, however, is implement true ground breaking discoveries that might cannibalize their own markets.[18]

2. In patent disputes between large companies and far smaller companies, consider filing statements or amicus briefs calling attention to the discretion of the Director to decline institution of a PTAB trial and setting forth any procompetitive reasons for doing so. In instances where a given patent claim has already been subject to a full-blown PTAB trial in the past and has prevailed, consider urging the Director to deny any further petitions, particularly where the current petitioner and the former petitioner have a common interest in the outcome of both proceedings, as is true in the *Netlist* matter currently pending in the Federal Circuit, as described above.

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[18] *See*, Professor Clayton Christensen, "Innovators Dilemma," Harvard Business Review Press (1997), whose studies describe a number of industries where innovation caused the company's failure.

Accord, Chris Miller, "Chip Wars," Simon & Schuster (2022), pp. 191-97, describing Intel's inability to innovate and enter the market for mobile processing until after smaller companies were able successfully to develop low power chips necessary for smartphones.

Accord, Michael Hiltzik, "Dealers of Lightning," Harper Collins Publishing (1999), describing how the senior management of Xerox presciently recognized in 1970 that the dawn of digital imaging would one day destroy its analog copier business, and so created Xerox Parc staffed with some of the most brilliant young inventors and scientists in the world, only to discover that the institutional forces within the company still would not allow many of the resulting innovations to come to market.

3. Currently pending before Congress is a bipartisan bill in both chambers, specifically the "Promoting and Respecting Economically Vital American Innovation Leadership Act," or the "PREVAIL Act," that would address some of the specific problems with the PTAB and that would go a long way toward restoring some semblance of balance between petitioner and respondent. *See* S. 1553 and H.R. 3160 (both introduced May 1, 2025). Support for passage from the competition enforcement agencies would be very positive development.

Respectfully submitted,

/s/ Robert P. Taylor

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Alliance of U.S. Startups and Inventors for Jobs
By Robert P. Taylor, General Counsel