



The Coalition for 21st Century Patent Reform

21C Applauds House and Senate Reintroduction of the PREVAIL Act

Washington, D.C., May 1, 2025 – 21C welcomes the bicameral, bipartisan reintroduction of the *Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act*, which is designed to enhance the reliability and effectiveness of U.S. patent protection. The bill introduces practical reforms to procedures at the U.S. Patent and Trial and Appeal Board (PTAB) that will play an important role in maintaining and administering patents that are essential to the health of the U.S. innovation ecosystem.

Overall, PREVAIL will provide more balance to PTAB procedures when conducting the IPR and post grant review (PGR) challenge proceedings that were established by Congress in 2011 through the enactment of the *America Invents Act (AIA)*. Currently, the PTAB grants the vast majority of inter partes review (IPR) petitions, and once granted, a significant majority of these proceedings result in some or all the patent claims being invalidated by final written PTAB decisions. PREVAIL's revisions to the PTAB's rules and procedures should help to ensure that both patent challengers and owners will be treated fairly, regardless of the forum in which their patents are challenged.

21C believes that these and other such changes to USPTO procedures are needed to ensure that owners of granted U.S. patents will enjoy quiet title throughout their statutory terms, and that their patent rights will not be taken away from their owners without due process of law. 21C also agrees that substantial reforms are needed to address unintended consequences that have resulted from Congress's establishment of the PTAB in 2011. See www.PatentsMatter.com.

In the last Congress, the Senate Judiciary Committee advanced PREVAIL on a bipartisan basis – the first patent bill advanced by the Committee since the 2011 AIA. We thank Senators Chris Coons (D-DE) and Thom Tillis (R-NC), as well as Representatives Nathaniel Moran (R-TX) and Deborah Ross (D-NC), for their ongoing efforts to improve our nation's patent laws. We look forward to building on the significant progress made by the Judiciary Committee last year and working with all stakeholders to build broad, bipartisan support for a more secure and reliable patent system that fosters American innovation.

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