



The Coalition for 21st Century Patent Reform

December 20, 2024

Dear Commerce Secretary-designate Lutnick,

Congratulations on your nomination to lead the U.S. Department of Commerce under President-elect Trump.

The Coalition for 21st Century Patent Reform (“21C”) is a cross-industry coalition of major U.S. manufacturers who invest heavily in U.S. research and development and depend upon the U.S. patent system to protect their inventions. 21C believes that creating and maintaining an efficient and effective patent system, based on the issuance of timely, high quality and reliably enforceable patent rights, is essential to support the creative genius of independent inventors, start-ups, universities and corporations to invent, develop, and commercialize new products that will benefit our society.

As you know, the U.S. Patent and Trademark Office (USPTO) is the steward of the U.S. patent system, which for more than two centuries has served as the cornerstone of American innovation. During President Trump’s first term, the USPTO displayed exceptional leadership in re-establishing the strength of the U.S. IP system by developing policies to empower inventors and entrepreneurs by making the patent system more predictable and less susceptible to abuse by infringers. This included working to reduce duplicative and wasteful patent validity challenges, to clarify the patent eligibility of newly emerging technologies, to address the enforceability of standard-essential patents, and to decrease overall pendency for both patent and trademark examination.

Notwithstanding President Trump’s additional good work to protect U.S. IP rights internationally, foreign competitors have continued to focus on and invest heavily in surpassing us by strengthening their IP systems. 21C believes that the USPTO should play a critical role in responding in kind if we are to maintain and enhance our technological lead.

To assist you in pursuit of these goals, we offer several recommendations for your consideration as you select the USPTO Director:

- The USPTO Director should be a practicing IP attorney with at least a decade of direct IP legal experience.

- The Director should have extensive personal experience in the enforcement of U.S. patents, including litigating or prosecuting patents.
- The Director should not come from a company that has sued the PTO in the first Trump administration for limiting duplicative attacks on patents, nor any other company that advocates for weakening patent rights.
- The Director should have a sustained and public record working to promote and strengthen the U.S. patent system. In particular, this commitment should extend to regarding patents as private property rights secured to inventors and patent owners, to quiet title in issued patents, and to patents being due the same treatment under law and policy as property of any other type.
- The Director should demonstrate consistency and support for the key IP policies and objectives established under the first Trump Administration. This includes limits on duplicative proceedings at the Patent Trial and Appeal Board (PTAB), the establishment of clear standards for patent eligibility, and other similar policies.
- In order to effectively lead an organization of over 13,000 employees with a budget of over \$4.5 billion, it is critical that the Director have experience leading a large organization and have demonstrated managerial and leadership qualifications.

Thank you for taking these suggestions under consideration. Again, we are ready to assist you in both personnel and policy matters pertaining to the USPTO. We are eager to work with you toward improving our patent system to ensure American technological competitiveness and advance our national security and economic goals.

Sincerely,

A handwritten signature in cursive script that reads "Philip S. Johnson". The signature is written in dark ink on a light-colored background.

Philip S. Johnson
Chair, 21C Steering Committee

The Coalition for 21st Century Patent Reform represents diverse industry sectors and includes many of the nation's leading manufacturers and researchers. The coalition's steering committee, which is chaired by Philip S. Johnson, includes 3M, Bristol Myers Squibb, Caterpillar, Eli Lilly, GE Aerospace, Johnson & Johnson, and RTX Corporation. For more information, visit <http://www.patentsmatter.com>.