



The Coalition for 21st Century Patent Reform

21C Welcomes the Introduction of the Realizing Engineering, Science, and Technology Opportunities by Restoring Exclusive (RESTORE) Patent Rights Act of 2023

August 7, 2024, Washington, D.C. -

21C welcomes the introduction of the Realizing Engineering, Science, and Technology Opportunities by Restoring Exclusive (RESTORE) Patent Rights Act of 2024 and would like to thank Senator Chis Coons (D-DE), Senator Tom Cotton (R-AR), Congressman Nathaniel Moran (R-TX), and Congresswoman Madeleine Dean (D-PA) for their leadership.

For patent owners who successfully assert their patents in court and obtain a final judgment of infringement, the RESTORE Act provides that there will be a rebuttable presumption that an injunction should issue to stop the infringer's ongoing infringement. This provision provides a clear statutory basis to fulfill our Constitution's promise that inventors shall enjoy exclusive rights to their patented inventions for limited periods of time. While the grant of an injunction will not be automatic, as for example in situations where the court finds that that the grant of an injunction would be contrary to the public interest, the RESTORE Act clarifies that where a successful patentee has obtained a final judgment of infringement, the burden of showing that an injunction would be inappropriate will rest on the adjudged infringer.

21C believes that passage of the RESTORE Act of 2024 would help restore balance and reliability to patent enforcement within the US patent system while at the same time guarding against injunctions that are overbroad, inappropriate or contrary to the public interest.

21C looks forward to working with both Houses of Congress to pass this important legislation.

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