

Restoring America's Leadership in Innovation Act

This legislation restores patent protection for inventors and startups by mitigating a generation of laws, regulations, and court decisions that discourage innovation by failing to secure to inventors the exclusive rights to their discoveries.

US Inventor strongly supports the Restoring America's Leadership in Innovation Act (RALIA)

TODAY'S INVENTORS:

- Suffer massive predatory infringement by huge multinational corporations, including Chinese controlled multinationals.
- Are denied their day in court thereby stifling the United States innovation engine.
- Have their patents declared ineligible for patent protection under a nonsensical concept called the abstract idea.
- Endure a decade or more of litigation costing millions of dollars to obtain a final judgment against predatory infringers.
- Face millions annihilation of their patent rights by the Patent Trial and Appeal Board (PTAB) at a rate of 84%.
- Are denied the Constitutional right to exclude others from using their invention.

ABOLISHING THE PTAB

The PTAB has cancelled claims in 84% of the 3,000+ patents reviewed since 2011 and most inventors do not have a half a million dollars necessary to fund a legal defense. The PTAB is a proven failed experiment. It is not faster, not cheaper, and not an alternative to district court. It has made it nearly impossible for legitimate small businesses to compete. This bill will abolish the PTAB by repealing the related provisions of the 2011 America Invents Act. Accused infringers will have the right to challenge validity in a regular court of law, which is how the U.S. patent system worked for over 200 years.

RESTORING INJUNCTIVE RELIEF

In *eBay* (2006), the Supreme Court held that a patent's "exclusive Right" granted to the inventor in the Constitution is not an exclusive right after all; The courts decide who uses the invention, not the inventor. This bill mandates that a patent conveys to the inventor true ownership over the rights to their invention, including the right injunctive relief. The Constitution and economic principal mandate that a patent grants to the inventor an exclusive right to the invention.

STRIKING JUDICIALLY CREATED ELIGIBILITY TESTS

This bill would restore 35 U.S. Code section 101 to the broad, threshold question as Congress intended, upholding patents for "**any** new and useful process, machine, manufacture, or composition of matter". This provision resolves the inscrutable "judicial exceptions" and contradictory rulings courts have rendered. It will bring certainty and reliability to issued patents, thereby encouraging innovation in important fields of technology.

Other substantive provisions include restoring the first-to-invent procedure and ending premature publication of patent applications.