



**November 14, 2024**

The Honorable Dick Durbin, Chairman  
United States Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Lindsey Graham, Ranking Member  
United States Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

**Re: S. 2220, PREVAIL Act & S. 2140, Patent Eligibility Restoration Act**

Chairman Durbin, Ranking Member Graham, and Members of the Senate Judiciary Committee:

Consumer Action for a Strong Economy (CASE) writes today to express our organization's support for two bills under your committee's consideration: the Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act and the Patent Eligibility Restoration Act (PERA).

Strong intellectual property (IP) protections are indispensable to America's economy. Our historical respect for IP rights drives innovation and growth across sectors, delivering countless benefits to American citizens.

America's healthcare system and the millions of consumers that rely on it are particularly dependent on a reliable pipeline of innovations — something that can only be maintained through a robust, efficient, and fair patent system. The PREVAIL Act and PERA provide necessary fixes to ensure our patent system continues to meet these standards into the future and empower our nation to outcompete foreign adversaries like China.

To start, the PREVAIL Act includes necessary fixes to bolster our patent system against needless inefficiencies that delay breakthroughs. Currently, disputes over patent rights can play out multiple times in more than one arena, for example, in both district courts and at the Patent Trial and Appeal Board (PTAB). This is not sustainable. The legislation also aligns standards for review between PTAB and district courts to ensure a level playing field wherever challenges are heard.

This is a win for innovators as well as taxpayers and consumers, as a more efficient process protects patent holders from repeated challenges and saves taxpayer dollars from needless administrative proceedings.

Likewise, PERA strengthens American IP by addressing a dangerous expansion of judicial exceptions to the types of innovations that are eligible for patent protections. Closing these gaps in our patent system

is necessary to remove uncertainty around patent eligibility and strengthen incentives for investment in research and development around emerging technologies.

These bills reflect the fact that creating life-changing innovations is already a risky business, and our patent protection system should not open the door to additional barriers. Our laws must encourage and protect America's role as the global hub of new technologies, lifesaving medical breakthroughs, and all other advancements that benefit consumers.

Sincerely,

**Consumer Action for a Strong Economy (CASE)**

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