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# Tillis, Coons, Kiley, and Peters Reintroduce Landmark Legislation to Restore American Innovation

**WASHINGTON, D.C.** – Today, U.S. Senators Thom Tillis (R-NC), Chairman of the Senate Judiciary Subcommittee on Intellectual Property, and Chris Coons (D-DE) and Representatives Kevin Kiley (R-CA) and Scott Peters (D-CA) reintroduced the *Patent Eligibility Restoration Act*. This bipartisan, bicameral legislation will restore patent eligibility to important inventions across many fields while also resolving legitimate concerns over the patenting of mere ideas, the mere discovery of what already exists in nature, and social and cultural content that everyone agrees is beyond the scope of the patent system. It also affirms the basic principle that the patent system is central to promoting technology-based innovation.

“Clear, reliable, and predictable patent rights are imperative to enable investments in the broad array of innovative technologies that are critical to the economic and global competitiveness of the United States, and to ensuring the national security of our great country,” **said Senator Tillis**. “Unfortunately, a series of Supreme Court decisions have rendered patent eligibility law unclear, unreliable, and unpredictable, resulting in U.S. inventors being unable to obtain patents in areas where our economic peers offer patent protection. This is particularly concerning in the economically critical areas of biotechnology and artificial intelligence. This bipartisan, bicameral legislation maintains the existing statutory categories of eligible subject matter, which have worked well for over two centuries, while addressing inappropriate judicially created eligibility limitations by creating clear rules for what is eligible. We cannot

allow foreign adversaries like China to overtake us in key areas of technology innovation due to the current state of patent eligibility law. I look forward to continuing to work with all stakeholders on this important matter. Passing patent eligibility reform is one of my top legislative priorities.”

“When American innovators know their ideas are eligible for patent protection, they take the risks that push us into the future – whether that’s the next medical test or the latest AI technology,” **said Senator Coons**. “PERA restores clarity to the law on what can be patented and what cannot – guidance that federal courts have been requesting for years and that the Supreme Court has refused to provide. Congress must step up to provide America’s inventors with the stable legal foundation they need to produce the cutting-edge technologies that power our economy.”

“American innovators have been at a disadvantage in recent years because of the U.S. patent system,” **said Representative Kevin Kiley**. “Convoluting Supreme Court rulings and tests on subject matter eligibility have made it increasingly difficult for inventors to receive patents, leading to foreign companies overtaking our own. That’s why I’m proud to introduce the bipartisan *Patent Eligibility Restoration Act*, which will dramatically reverse this trend, and unleash a tide of economic growth and job creation here at home.”

“For more than two centuries, a U.S. patent has guaranteed inventions will be protected from theft, helping the U.S. become the innovation capital of the world. San Diego, in particular, is the proud home of a thriving life sciences and technology ecosystem that has benefited from these protections,” **said Representative Peters**. “Over the last 15 years, however, several Supreme Court decisions have created confusion about what exactly is eligible for a patent. Innovators, consumers, and even the judges who adjudicate patent law have called on Congress to provide clarity on what can be patented. I look forward to working with Congressman Kiley, Senator Coons, and Senator Tillis to advance our Patent Eligibility Restoration Act and protect American innovation.”

“Congress has not made substantive changes to what subject matter is patentable in the United States since the *Patent Act of 1793*, making it difficult for courts, inventors, and the public to understand how 21st-century technologies fit within an 18th Century patent statute,” **said Andrei Iancu, board co-chair of C4IP and former Under Secretary of Commerce for Intellectual Property and USPTO Director from 2018 to 2021.** “I commend Congress for advancing PERA in order to finally modernize our patent laws and promote U.S. global leadership in biotechnology, artificial intelligence, and other modern technologies.”

“PERA provides the clarity needed to unlock the full potential of cutting-edge technologies and solidify U.S. leadership in scientific and technological breakthroughs,” **said David Kappos, board co-chair of C4IP and former Under Secretary of Commerce for Intellectual Property and USPTO Director from 2009 to 2013.** “We cannot allow legal uncertainty to stall the next wave of American innovation.”

“Patent Eligibility is an important issue for cancer patients – both for life-saving, early diagnosis and for promising new treatments. PERA will provide the certainty needed to enable innovative breakthroughs to reach patients. Dana-Farber Cancer Institute applauds Congress for introducing and advancing this important bill – the patients are waiting.” - **Dana-Farber Cancer Institute**

“Passing PERA is essential if the US is to catch up to Europe and Asia, especially China,” **said Judge Paul Michel (retired).** “They make eligible for patenting many classes of inventions held ineligible here. The very uncertainty of the zone of eligibility is itself an obstacle to companies getting the investments they need to compete both domestically and globally. Only Congress can fix this chaotic mess because the courts are trapped in their own harmful precedents.”

“In my former court, which hears patent cases on appeal, concurring and dissenting opinions in patent eligibility cases have proliferated,” **said Judge Kathleen O'Malley (retired).** “Veteran jurists have described the state of affairs

as ‘incoherent,’ ‘unclear,’ ‘fraught,’ and ‘inconsistent.’ The *Patent Eligibility Restoration Act* would return clarity to patent eligibility law and encourage continued innovation in key emerging technologies – technologies that are central to the United States remaining the world’s innovation leader.”

“NCLifeSci thanks Senator Tillis for reintroducing the *Patent Eligibility Restoration Act of 2025*, which restores the confidence in our nation’s patent laws by bringing much needed clarity to Section 101 of the *Patent Act*. Confidence that the life sciences industry needs to robustly invest in the future of medicine. For too long, fields like diagnostics, precision medicine, cell and gene therapy, RNA medicine, and digital health have been threatened by unclear and uncertain patent-eligibility standards that put America’s innovators at a disadvantage, and that discourage local investment. Through this legislation, our members – which include leading innovators who operate cutting-edge gene therapy manufacturing facilities here in North Carolina and research potential treatments and cures for Alzheimer’s and cancer – will be able to continue to take the bold risks and make the high levels of investment necessary to take fields like these to their next level, with the confidence that our patent laws will continue to hold up through future waves of technological progress.” - **NC Life Sciences Organization**

“The Innovation Alliance applauds Senators Tillis and Coons and Representatives Kiley and Peters for sponsoring the *Patent Eligibility Restoration Act*, which will provide much needed predictability and clarity to the hopelessly confused law of patent eligibility. The Supreme Court has provided no workable framework to guide patent owners or the courts, and it has repeatedly refused to clarify the law, rejecting requests by the Federal Circuit and others to do so time and again. Investment dollars are flowing out of the United States as a result, jeopardizing the future of America’s innovation economy. It is past time for Congress to act.” – **The Innovation Alliance**

“This bipartisan and much-needed bill would strike a decade of judicial tinkering that has needlessly turned the question of patent eligibility into a confusing mess and harmed the U.S. versus our economic competitors. While the U.S. has spent a decade holding back innovations in areas such as fintech,

diagnostic solutions and medical devices trying to figure out whether they are 'abstract' or not, our competitors are moving forward and protecting these inventions. PERA would be particularly beneficial to American startups and innovators by providing the clarity needed to attract investment for new ventures in essential areas such as medical devices, diagnostics, manufacturing and a whole new range of advancements powered by software.”- **Alliance of U.S. Startups & Inventors for Jobs**

“AUTM – the association representing technology transfer professionals – thanks Senators Tillis and Coons and others for their leadership in introducing PERA. This legislation is crucially needed to address the ambiguities that the courts have created about what is, and what is not, patent eligible. At a time when the U.S. is competing for innovation leadership, its patent system needs to clearly delineate this process so that it can move forward on numerous discoveries that otherwise would wither on the vine.” – **AUTM**

“The reintroduction of the *Patent Eligibility Restoration Act* (PERA) marks a pivotal move toward restoring clarity and consistency in U.S. patent law. By providing clear statutory guidelines, PERA offers inventors, entrepreneurs, and research institutions the certainty needed to innovate confidently. We commend Senator Tillis and Senator Coons for their leadership on this critical issue and remain committed to collaborating with Congress to support a patent system that fosters transparency and predictability.” – **American Intellectual Property Law Association (AIPLA)**

“The Coalition for 21st Century Patent Reform applauds Congress for reintroducing PERA. This legislation represents a significant step forward in clarifying patent eligibility while maintaining necessary standards on what is ultimately patentable. 21C applauds these efforts as they will make sure that the United States remains the most attractive place in the world to invest, invent, and grow.” – **The Coalition for 21st Century Patent Reform (21C)**

The following organizations support the *Patent Eligibility Restoration Act*: Innovation Alliance, C4IP, AUTM, AIPLA, IEEE-USA, USIJ, MDMA, BIO,

NCLifeSci, Adeia, Nokia, Sisvel, Conservatives for Property Rights, Eagle Forum Education & Legal Defense Fund, U.S. Business & Industry Council, Center for a Free Economy, Center for Individual Freedom, American Policy Center, Less Government, 60 Plus Association, American Association of Senior Citizens, Frontiers of Freedom, Consumer Action for a Strong Economy, Center for American Principles, Prosperity for Us Foundation, Market Institute, Inventors Defense Alliance, Lauder Partners, Dana-Farber Cancer Institute, Heritage Action, 21C, Netlist, and FICPI.

### **Background:**

Unfortunately, due to a series of Supreme Court decisions, patent eligibility law in the United States has become confused, constricted, and unclear in recent years. This has resulted in a wide range of well-documented negative impacts – inconsistent case decisions, uncertainty in innovation and investment communities, and unpredictable business outcomes.

As of 2021, all 12 then-sitting judges of the United States Court of Appeals for the Federal Circuit lamented the state of the law. Witnesses and stakeholders from a wide array of industries, fields, interest groups, and academia have testified and submitted comments confirming the uncertainty and detailing the detrimental effects of patent eligibility confusion in the United States. There is now widespread bipartisan agreement in Congress and across all recent Administrations that reforms are necessary to restore the United States to a position of global strength and leadership in key areas of technology and innovation, such as medical diagnostics, biotechnology, personalized medicine, artificial intelligence, 5G, and blockchain.

The *Patent Eligibility Restoration Act* achieves this critical goal by restoring patent eligibility to important inventions across many fields, while also resolving legitimate concerns over patenting of mere ideas, the mere discovery of what already exists in nature, and social and cultural content that everyone agrees is beyond the scope of the patent system, which is a system aimed at promoting technology-based innovation. As a general approach, the *Patent*

*Eligibility Restoration Act* maintains the existing statutory categories of eligible subject matter, which have worked well for over two centuries, but eliminates the overly malleable set of current judicial exceptions – replacing them with five specific, defined statutory exclusions. By eliminating and replacing the current judicial exceptions, the *Patent Eligibility Restoration Act* provides predictable patent eligibility for important computer-implemented technological developments and medical advances, creating a solid bedrock for America’s innovation future.