



22 April 2025

Senator Thom Tillis
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Senator Chris Coons
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

In re: *Patent Eligibility Restoration Act (PERA)*

IEEE-USA fully supports the *Patent Eligibility Restoration Act (PERA)*. Thousands of individual U.S.-based members of IEEE depend on reliable and effective patent rights to secure the benefits of their inventions and technological innovations. High-tech inventions have driven the U.S. economy since IEEE was founded by Thomas Edison, Alexander Graham Bell, and Nicola Tesla over a century ago. Like Edison, Bell, and Tesla, IEEE members rely on predictable and effective patent rights to license or otherwise commercialize their inventions in the innovation economy, growing jobs, and contributing to economic growth.

Decisions on subject matter eligible for patent protection – the kind and type of inventions to be protectable under U.S. patent laws – should be made under predictable rules. Categories of inventions that are eligible for patent protection are defined in 35 U.S.C. §101 (“any ... process, machine, manufacture, or composition of matter, or any ... improvement thereof”).

However, judicial decisions have expressly created “exceptions” to the categories of subject matter defined by 35 U.S.C. §101 and promulgated various tests and criteria to determine when those exceptions apply. Those exceptions and criteria have narrowed the scope of innovations eligible for patenting and introduced uncertainty into what innovations are eligible for patent. The judicially created restrictions on patent eligibility put the United States at a competitive disadvantage as foreign governments seize on opportunities to expand the scope of eligible subject matter in their countries. Many inventions are patentable in China and Europe, but are ineligible in the U.S.

PERA eliminates the confusion created by courts as to what inventions are patent eligible and helps the U.S. regain a competitive edge in innovation. This legislation brings much-needed reform to subject matter eligibility, building into U.S. patent law the certainty as to which inventions are eligible for U.S. patent protection. PERA brings balance back to the patent system.

IEEE-USA thanks Senator Tillis and Senator Coons for sponsoring PERA and we ask that Congress pass this bill as soon as possible. Please do not hesitate to contact Erica Wissolik at e.wissolik@ieee.org or (202) 360-5023 if you wish to discuss the issue with us further.

Sincerely,

Nils Smith
IEEE-USA Vice President, Government Relations