To Whom It May Concern:

Save Our Standards (SOS) is a broad-based coalition of innovators, small businesses, associations, academics, and consumer groups dedicated to reinforcing the voluntary fair, reasonable, and non-discriminatory (FRAND) licensing commitment and its critical role in technical standards.[1] These standards enable competition and innovation that directly benefit consumers. We work to educate decision-makers and stakeholders on policies that allow all innovators to thrive through pro-competitive practices and the reinforcement of FRAND licensing terms for standard-essential patents. Our members represent over $100B annually in R&D spending across a range of industries, helping to fuel the American innovation economy. We own hundreds of thousands of patents, employ more than 50 million Americans and contribute trillions of dollars to the annual U.S. GDP. Many of our companies are headquartered in the U.S., and others have extensive U.S. operations. We include many small businesses.

SOS welcomes the opportunity to provide feedback on the USPTO's Notice of Proposed Rulemaking on *inter partes* review (IPR).

The proposed rules would effectively **block access to IPRs** and undermine the system Congress created to improve patent quality and protect American innovators from abusive litigation.

IPRs are an essential mechanism to protect U.S. businesses from overbroad or invalid patents. These proposed changes would effectively **shield invalid patents from review**, favoring foreign entities and non-practicing entities (NPEs) over American innovators and manufacturers. As foreign bad actors assert overbroad claims from weak patents, American companies are increasingly vulnerable, and small and medium-sized firms will face crushing litigation costs and lose the only cost-effective means of defending against weak patents.

This rulemaking will have a **substantial adverse economic impact** and should undergo OIRA review. Patent litigation costs often exceed $100 million, and eliminating IPRs will drive up settlements and deter investment in new technologies and jobs. The rules would

[1] The consensus views expressed in this submission do not necessarily reflect the specific individual organizational positions of each member.

enrich litigation funders and NPEs, not inventors, and disincentivize innovation, job creation, and investment in American companies.

Specifically, we are concerned about the proposals to:

- Require petitioners to waive future defenses, which would force petitioners to give up their litigation defenses;
- Bar petitioners from relitigating broad, weak claims after flawed proceedings;
- Prohibit parallel proceedings, unfairly relying on speculative trial dates; and
- Allow the USPTO Director to make exceptions only in "extraordinary circumstances," which do not cover the most common reasons.

These proposals go beyond the USPTO's statutory authority, and, if implemented, will weaken U.S. innovation, burden domestic employers, and insulate agency errors from review. We urge the USPTO to **withdraw the NPRM** and preserve open, fair access to IPRs as Congress intended.

Thank you for your consideration.

Sincerely,
Save Our Standards