



## American Intellectual Property Law Association

October 8, 2025

The Honorable Thom Tillis  
Chair  
U.S. Senate Judiciary Subcommittee  
on Intellectual Property  
U.S. Senate  
113 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Adam Schiff  
Ranking Member  
U.S. Senate Judiciary Subcommittee  
on Intellectual Property  
U.S. Senate  
112 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Christopher Coons  
Member  
U.S. Senate Judiciary Subcommittee  
on Intellectual Property  
U.S. Senate  
218 Russell Senate Office Building  
Washington, D.C. 20510

### **RE: Support for S. 1546, the Patent Eligibility Restoration Act**

Dear Chair Tillis, Ranking Member Schiff, and Member Coons:

The American Intellectual Property Law Association (AIPLA) appreciates the Subcommittee's attention to S. 1546, The Patent Eligibility Restoration Act (PERA) and notes the upcoming hearing, "The Patent Eligibility Restoration Act – Restoring Clarity, Certainty, and Predictability to the U.S. Patent System," scheduled for Wednesday, October 8, 2025. AIPLA is pleased to reiterate its support for PERA. This critical legislation addresses longstanding uncertainty in U.S. patent eligibility jurisprudence and provides necessary clarity to ensure our patent system continues to promote innovation and investment across all technological sectors.

AIPLA is a national bar association of approximately 6,500 members including professionals engaged in private or corporate practice, in government service, and in the academic community. AIPLA members represent a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent, trademark, copyright, trade secret, and unfair competition law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property. Our mission includes helping establish and maintain fair and effective laws and policies that stimulate and reward invention while balancing the public's interest in healthy competition, reasonable costs, and basic fairness.

AIPLA supports the passage of S. 1546 because we believe that the bill is crucial for restoring predictability to patent subject matter eligibility under 35 U.S.C. § 101. The exceptions to patent eligibility created by the U.S. Supreme Court over the past two decades have created uncertainty

and unpredictability. This uncertainty and unpredictability have and will continue to disincentivize investment in various fields of technology, including emerging technology, risking our nation's position as an economic and technological leader. Over the years, AIPLA has filed numerous amicus briefs in the courts emphasizing the need for a clear, predictable test for subject-matter eligibility that is applied to the invention as a whole and is separate and distinct from the patentability requirements of Sections 102, 103, and 112. Nevertheless, the unpredictability of the judicial exceptions remains in both the courts and the U.S. Patent and Trademark Office's application of those exceptions. AIPLA believes that Congress must intervene to address this critical issue for our nation and its innovation-driven economy.

The bill eliminates vague judicial exceptions and reaffirms that any useful process, machine, manufacture, or composition of matter—or any improvement thereof—should be eligible for patent protection, subject only to clearly defined exclusions. The bill also reaffirms that other provisions of the Patent Act set forth the appropriate tests for whether eligible subject matter meets the separate, strict patentability requirements, including novelty and non-obviousness. By clarifying the statutory scope of eligibility, PERA strengthens incentives for R&D, particularly in emerging industries such as artificial intelligence, biotechnology, and medical diagnostics.

We commend the Subcommittee for its leadership in addressing the effects of recent jurisprudence that has led to inconsistent and often differing outcomes in the lower courts and before the U.S. Patent and Trademark Office. We believe this legislation will significantly enhance legal certainty for inventors, businesses, and investors, and help maintain the United States' leadership in global innovation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kimberly N. Van Voorhis', is positioned above the typed name.

Kimberly N. Van Voorhis  
President  
American Intellectual Property Law Association