

Support Section 18 of the America Invents Act—Help Improve Business Method Patents

Dear Colleague:

It's hard to remember a piece of legislation about which there has been more misinformation spread than the America Invents Act. The bill, which will soon be voted on in the House, is a carefully balanced update of antiquated patent laws. Opponents have wrongly labeled it many things: a special-interest bailout and, most absurdly, unconstitutional.

The legislation is not a bailout of any sort. But more important, top constitutional scholars have weighed in extensively about the legislation and agree that it completely passes constitutional muster and is not as some critics have suggested a "taking." The accusation is an attempt to weaken our enviable patent system and subject it to endless and needlessly expensive litigation by patent trolls.

Two of America's foremost constitutional scholars – Michael W. McConnell, director of the Constitutional Law Center at Stanford Law School and a former federal appeals court judge, and Viet D. Dinh, a former assistant attorney general in the George W. Bush administration and a professor at Georgetown University Law Center – have written at length ([click here](#)) to explain that the patent legislation is constitutional in every respect, especially Section 18, which is one of the most welcome parts of bill. Section 18 is a pilot program that would subject disputed patents of the most controversial type – those that cover methods and processes rather than gadgets – to a single, extra level of scrutiny by the U.S. Patent and Trademark Office. Both scholars say that the provision is reasonable and not a "taking" of any sort.

Of the many canards being perpetrated about this meritorious legislation, the suggestion that it violates the constitution is the most inaccurate. The opinions of respected scholars such as McConnell and Dinh should set that misleading argument to rest. Please vote against any effort to weaken Section 18 of the America Invents Act.

Sincerely,



Darrell Issa
Member of Congress



Jim Jordan
Member of Congress



Steve Chabot
Member of Congress