

Joe Matal in Real Clear Policy: ‘The Made in China Act’

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Haynes Boone Partner **Joseph Matal** authored an article in *Real Clear Policy* warning about a congressional bill that would abolish patent validity review at the U.S. Patent and Trademark Office (USPTO).

Read an excerpt below:

What is the “conservative” position on patents and other intellectual property?

There are plenty of lobbyists and advocacy groups in Washington these days who will tell you — and they are leading congressional Republicans in some strange directions.

The top legislative priority among the groups that purport to speak for conservatives on patent policy is the Restoring America’s Leadership in Innovation Act (RALIA).

The main group behind this bill, U.S. Inventor, promotes it as the America-first response to Big Tech and China. So far, they have persuaded 25 House Republicans to cosponsor RALIA, including many of the body’s more conservative members.

The American Conservative Union, Americans for Limited Government, Conservatives for Property Rights, and Eagle Forum also back the bill.

What does the bill do? First and foremost, it would abolish the system of patent validity review at the U.S. Patent and Trademark Office.

Current law authorizes such reviews at the USPTO’s Patent Trial and Appeal Board. The Board consists of administrative judges who all have at least an undergraduate degree in science or engineering and are trained in patent law. This system allows a patent to be evaluated by a USPTO employee who has a background in the relevant technology and who understands the invention.

If RALIA were enacted, such USPTO review would be eliminated — the only way to contest the validity of a patent would be in a jury trial in civil court.

Excerpted from *Real Clear Policy*. To read the full article, click [here](#).