

Conservatives Oppose CBMs

The logo for RedState, featuring the word "Red" in red and "State" in black.

“Proponents of CBM argue that the measure is needed to stop patent trolls. Their position is equivalent to saying that we should rob all Americans of their Second Amendment rights in order to stop criminals from using guns in violent acts.”

Duke Fergus, RedState

The logo for American Commitment, featuring the words "AMERICAN COMMITMENT" in blue and red.

“However, extremely controversial provisions expanding the new covered business method patent review procedure are presently positioned to hitch a ride on consensus patent reform legislation. That would be a mistake.”

Phil Kerpen, American Commitment



“When a company like Google — who supports this Section 18 provision — gets caught infringing on a legitimate patent, the language allows them to continue to use the technology in question to gain market share for at least 18 more months making hundreds of millions of dollars without paying a single dime in compensation to the patent holder.”

Jim Gordon, Patriot Action Network

The logo for Forbes, featuring the word "Forbes" in blue.

“Most any software program contains business processes as defined by United States Patent and Trademark Office (USPTO). As a result, passing this provision would make most any technology patent open to challenge at any time during the full life of the patent. This would obviously be a source of uncertainty for investors but it’s not the worst of it.”

Christopher Versace, Forbes



“The [Covered Business Method] provision also provides that enforcement of patent infringement would be delayed for 18 months, allowing infringers to profit for a year and a half without being forced to compensate the rightful patent holder. It’s free profits--and substantial market share for a company like Google-- for 18 months from stolen goods. It’s wrong.”

Mike Flynn, Breitbart



“H.R. 3309 expands the post-grant review pilot program for covered business method patents. This would merely give patent infringers another venue for forcing patent holders to mount costly defenses of their patents.”

Phyllis Schlafly, Eagle Forum



“Some, such as Google, would like to expand CBM to cover all business processing patents and make it a permanent channel to challenge patents at any time during the life of the patent. ‘Business processing’ could cover just about any software program from cancer therapies. Nothing would be out of reach. Creating such a loophole would undermine the private property rights of legitimate patent owners and diminish the value of a patent.”

“Proponents of CBM argue it is needed to help curb patent trolling. It is not. Creators who have worked hard to innovate should not see the value of their

efforts lessened under the guise of litigation reform at the behest of those seeking to violate patent holders' rights. The CBM language must be stricken before this bill is worthy of passage."

Harold Callahan, Tea Party Nation



"Further, the CBM review was only initiated recently for a limited category of financial products, and the review has only taken on one case. The success and efficiency of the program has not been tested. It puts further strain on an already under staffed office, which opens up more channels for abuse for those with the deepest pockets. Already, it takes the PTO 3 years to grant a patent, with the CBM review process set at 18 months, one can only imagine that that will be drawn out."

Katie McAuliffe, Digital Liberty



"In the everyday practice, the Google provision would mean that if a patent holder files a claim against Google, the search engine giant would not have to resolve the dispute with the patent holder. Instead, Google could attack the validity of the patent itself.

That is one thing if the dispute is Apple v. Google or Cisco v. Google. It is another thing for an app developer in his garage trying to bring Google to heel."

Neil W. McCabe, Human Events

Conservative Coalition Letter Regarding CBMs - October 29, 2013

"We are concerned that expansion of the transitional covered business method patent review procedure established by Sec. 18 of the America Invents Act would place a cloud over the patents of innovators by subjecting those patents – throughout their lifetime – to commercially-motivated challenges on terms extremely favorable to the challenger. One of the most troubling aspects is the eighteen-month waiting period, which could allow a patent-infringer to continue its practices and gain market share, while the legitimate patent holder waits for a decision.

There is no reason why innovators whose inventions are embodied in software should see those inventions treated any differently than an invention in any other area of technology. Such discrimination stands to harm American inventors outside our borders; many trading partners will be eager to discriminate against America's software innovation."

