



Event Recap: Protecting Patent Quality

Protecting intellectual property (IP) is like putting a lock on a bike. For small businesses, this "bike" might be an awesome product idea, a catchy business name, or a unique design, and if this "bike" isn't protected, someone might ride off with it. For many small and medium-sized businesses (SMBs), IP, no matter how big or small it may appear, is the lifeblood of their products and the app economy at large.

With this in mind, ACT | The App Association hosted "Protecting Patent Quality," an in-person Capitol Hill briefing amongst U.S. businesses and industry experts on how to address patent quality concerns that threaten U.S. innovation.

Protecting Patent Quality

During our panel, speakers discussed the most pressing issues impacting U.S. businesses involving the quality of U.S.-issued patents. Speakers included Suzanne Borders, BadVR Co-Founder and CEO, Charles Duan, American University Law Professor, Josh Landau, Computer and Communications Industry Association (CCIA) Senior Counsel for Innovation Policy, and Alex Moss, the Public Interest Patent Law Institute (PIPLI) Executive Director, with opening remarks by Congressman Darrell Issa, Chair of the Subcommittee on Courts, Intellectual Property, and the Internet for the Committee on the Judiciary.



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"We are always keeping in mind that we could have an IP struggle that takes us to court. As the owner of the company, I have to keep money aside for that possibility. And this is money that could be spent on hiring people, research and development, and growing my business. Long term, redirecting resources like this slows down innovation for the entire app economy." Suzanne Borders, co-founder and CEO, BadVR





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"Prior to founding my company, I never thought I'd be an inventor or engage with the patent process. After the first patent we were awarded, we became inundated with "fees" from other companies that looked official, but were not legitimate. As a first time patent owner, I felt that what I was dealing with was overwhelming and so misleading."
Suzanne Borders, co-founder and CEO, BadVR



Throughout the discussion, moderated by Priya Nair, IP counsel at the App Association, attendees learned about how the improper issuance of broad or invalid patents has enabled bad actors to knowingly enforce low-quality patents against good-faith U.S. innovators in order to turn a profit and how weak patents are enabled through unworkable laws, policies, and regulations in place to secure and protect U.S. patents.

As our speakers discussed issues around IP, one thing became clear: weak IP infrastructure is a direct threat to U.S. innovation, and action must be taken to protect America's small businesses. Our panelists highlighted that a current trend enabled by the issuance of low-quality U.S. patents is foreign patent abuse, including through non-practicing entities (NPEs) and third-party litigation funding (TPLF) for NPEs by undisclosed entities. The issuance and enforcement of low-quality patents disables innovation for honest innovators and infiltrates critical markets (i.e., healthcare) and processes (i.e., licensing standard essential patents).

Until Next Time

While we didn't record this briefing, you can find a thread of insights from Suzanne Borders, co-founder of member company BadVR, on Twitter (X) or Threads. You can also learn more about previous IP events in this series on our blog or this episode of Tech Swamp.