

June 14, 2023

The Honorable David Schweikert
U.S. House of Representatives
460 Cannon House Office Building
Washington, DC 20515

The Honorable Don Beyer
U.S. House of Representatives
1119 Longworth House Office Building
Washington, DC 20515

Dear Representatives Schweikert and Beyer:

We write to thank you for reintroducing the Advancing America's Interests Act. Your bipartisan bill will modernize the International Trade Commission ("ITC") by providing targeted but increasingly necessary reforms to the ITC's authority to adjudicate intellectual property disputes under Section 337. The ITC has an important role in regulating international trade to protect the U.S. economy from unfair foreign competition. Unfortunately, the ITC is increasingly being utilized as a forum by ill-intentioned and, at times, surreptitious patent licensing entities to bring cases against American companies, often to the detriment of the genuine U.S. domestic employers, consumers and our economy. Congress must act to modernize the ITC and ensure it is properly focused on its trade mission, and not be used as a pathway for duplicative patent litigation. That is why we are unified in strong support of your bill.

Our companies collectively employ hundreds of thousands of Americans in well-paid positions across the country. Yet, we often become targets of Section 337 investigations brought by questionable patent licensing entities which produce no goods and employ few, if any, U.S. workers. These entities are often financed by unknown actors in international private equity and use foreign shell corporations to exploit the ITC legal process. Their ability to leverage the ITC's unique remedy, the exclusion order, to burden U.S. employers by pursuing abusive patent litigation flies in the face of the purpose of the ITC.

Like other U.S. domestic manufacturers, we own substantial patent portfolios and are ardent supporters of intellectual property rights. Additionally, we value the ITC's core mission to protect U.S. industries from unfair trade practices. That is why we cannot remain silent while the ITC's ability to exclude products from the United States is being abused by bad actors to extract exorbitant patent settlements on terms that the U.S. District Courts would never award.

You have crafted strong, bipartisan legislation that will protect America's interests by modernizing the ITC process to prevent gaming of the system, especially by entities that produce no goods or services. While the bill carefully takes steps to curb abusive practices, it makes sure the ITC can still fulfill its core purpose and protect legitimate trade concerns. Your legislation takes a narrow approach to clarify some key terms, such as what truly qualifies as a "domestic industry." Likewise, you take steps to update critical public interest factors to ensure that the ITC protects America's industrial, economic, and consumer interests, and ensure that the public's interests remain paramount in the execution of the ITC's duties.

We are grateful for your leadership on this key issue and support your thoughtful legislation.

Sincerely,

Amazon.com, Inc.

Dell Technologies Inc.

Garmin International, Inc.

Google LLC

Hewlett Packard Enterprise Company

Intel

Microsoft Corporation

Roku

Samsung Electronics America

Silicon Labs

Verizon

cc: Members of the House Ways & Means Committee