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USPTO and DOJ file statement of interest reaffirming the importance of incentives to innovate

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ALEXANDRIA, VA — Today, the U.S. Patent and Trademark Office (USPTO) and the Department of Justice filed a statement of interest in Collision Communications, Inc. v. Samsung Electronics Co., et al. in the U.S. District Court for the Eastern District of Texas. The statement reaffirms the importance of preserving incentives to innovate, which are key to growth and dynamic competition in the U.S. economy and fundamental to the U.S. patent system.

"The USPTO again joined the Justice Department in filing a statement of interest because a thorough evaluation as to whether a patent owner is entitled to injunctive relief is foundational to the exclusionary right a patent confers," said John A. Squires, Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office. "Injunctions prevent ongoing and irreparable harm to innovators and the innovation economy, and ensure that legal remedies can stop unlawfully copied inventions from continuing to harm innovators."

"Innovation is core to dynamic competition, and vigorous competition is central to the success of the American economy. Policies that preserve incentives to innovate are therefore vital to safeguarding competition," said Dina Kallay, Deputy Assistant Attorney General of the Justice Department's Antitrust Division. "We are pleased to partner with our USPTO colleagues to address these critical issues and support innovators, both big and small."

Today's statement of interest explains that unduly limiting patentees' ability to seek injunctive relief to block patent infringement undermines the incentive to innovate. A patentee's right to exclude is grounded in the U.S. Constitution. Non-practicing patentees should not be categorically denied the opportunity for injunctive relief and, under certain circumstances, such patentees can demonstrate irreparable harm and the inadequacy of monetary damages to compensate for the harm of continuing infringement. The statement of interest was filed in support of neither party and does not take a position on the merits or the ultimate outcome of the questions at issue in the case.

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