

September 7, 2021

The Honorable Suzan DelBene
United States House of Representatives
2330 Rayburn House Office Building
Washington, D.C. 20515

The Honorable David Schweikert
United States House of Representatives
304 Cannon House Office Building
Washington, D.C. 20515

Dear Representatives DelBene and Schweikert:

We write to thank you for introducing the *Advancing America's Interests Act*. Your bill will modernize the International Trade Commission ("ITC") by providing targeted 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. That important role is proving even more instrumental today, given the increasing global competition. Unfortunately, and at odds with its core mission, patent licensing entities are using the ITC's trade mechanisms to bring cases against American companies to the detriment of the U.S. economy and consumers. Congress must act to modernize the ITC and ensure it is properly focused on its trade mission, not as a forum for avaricious and 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 patent licensing entities which produce no goods and employ few, if any, U.S. workers. These entities are often financed by private equity or hedge funds 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.

Our companies also have substantial patent portfolios and respect the intellectual property rights of others. Likewise, we value the ITC and its mission to protect U.S. industries from unfair trade practices. But we cannot remain silent while the ITC's ability to exclude products from the United States is being misused to extract exorbitant patent settlements on terms that the U.S. District Courts would never award and to the detriment of genuine U.S. domestic employers, consumers, and our economy.

You have crafted strong 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.

Cisco Systems, Inc.

Comcast Corp.

Dell Technologies, Inc.

Google LLC

Hewlett Packard Enterprise Company

Intel Corporation

Juniper Networks, Inc.

Lenovo (United States)

Motorola Mobility LLC

Samsung Electronics America, Inc.

Silicon Labs

Verizon

VIZIO, Inc.

Cc: Members of the House Ways & Means Committee