



SUPPORTING PATENT RIGHTS

A How-to Guide for Activists



TEA PARTY
PATRIOTS
ACTION

www.teapartypatriotsaction.org



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The United States is the leader when it comes to innovation – for now. But there is an alarming trend with patent rights erosion that could threaten our ability to continue as the world’s innovative leader.

In the 2018 Chamber of Commerce Intellectual Property rankings, the United States ranks 12th in the world for patent protections. Twelfth place is disappointing, especially considering that our nation’s founders had the vision to include in the Constitution the protection of intellectual property.

Earlier this year, in response to the erosion of patent rights in this country, Tea Party Patriots Action produced a new documentary, *Invalidated: The Shredding of the U.S. Patent System*, which we hope you will watch and share with your friends. The documentary showcases the threats to our patent system, and explains why we should be on guard against the undermining of the U.S. patent system.

This simple “how-to” guide is designed for activists and groups alike. We have included sample social media, a sample letter to the editor (as well as guidance for how to write a letter to the editor), and a sample letter to Congress, among other resources.

We look forward to seeing how you employ the various components of this toolkit!

In liberty,

The Tea Party Patriots Action Support Team

 Write 1 Facebook post to share with your friends about the need to support patent rights. (Total time: 10 minutes)

 Tweet about protecting intellectual property or the movie “Invalidated.” (Total time: 10 minutes)

 Write a letter to the editor. (Total time: 1 hour)

 Write an email or letter to Congress about patent protections. (Total time: 30 minutes)

 Sign our petition and be sure to “check the box” so we can send your name to Congress. (Total time: 5 minutes). Our petition can be found here: <https://supportamericaninnovation.act.teapartypatriots.org/>

 Share our petition on social media. (Total time: 5 minutes) Our petition can be found here: <https://supportamericaninnovation.act.teapartypatriots.org/>

 Watch our documentary, *Invalidated: The Shredding of the U.S. Patent System*. (Total time: 1 hour)

- The U.S. patent system is slipping in global rankings. In 2018, our patent protections rank 12th in the world. We should pursue policies that restore our first place ranking.
- The newly-created Patent Trial and Appeals Board (PTAB) is an unaccountable government tribunal, which now acts as a “patent death squad,” as it has been aptly called.
- Rather than upholding patents, the PTAB has devolved into an organization that works, almost exclusively, to revoke patents.
- The strength of U.S. innovation is inherently linked to the strength of our patent system and our protections for intellectual property. If the United States wants to continue to be a world leader in innovation, we will need policies that uphold the rule of law, respect private property rights, and dissuade theft of intellectual property.

@POTUS @realDonaldTrump We need to make the U.S. patent system great again! **#MAGA #tcot**

Why is the United States 12th in the world for patent protections? **@tppatriots**

Check out Invalidated, from **@TPPatriots** – a must-see documentary on protecting U.S. innovation **#MAGA**

Inventors should always be secure in knowing their patent rights will not be eroded in the United States!
@tppatriots

It's time for Congress to take action to repeal PTAB – the patent “death squad.” **@TPPatriots**

WHAT IS A LETTER TO THE EDITOR?

A letter to the editor is a letter written to the Editor of a newspaper. The letter is an opportunity for you to express your opinion about a recent article published in the paper or an issue in the news.

Writing letters to the editor is an important engagement tool for activists. They allow activists to do the following:

-  1) Reach a broader audience than you normally would have;
-  2) Hold your local journalists accountable;
-  3) Present alternative views on political issues.

Letters to the editor are usually found in the first section of the newspaper or on the editorial page.

GUIDELINES FOR GETTING A LETTER TO THE EDITOR PUBLISHED

Most newspapers publish guidelines with their specific requirements for getting a letter published, but here are some general rules that will help you get your letter to the editor published.

- Include your name and address and a telephone number where you can be reached.
- Be respectful and courteous, even when disagreeing with the Editorial Board about a specific issue.
- Be specific. If you are opposed to more gun control, mention the specific reasons why. Provide examples.
- Cite your sources. If you include any quoted material, be sure to correctly cite your source or attribute the quote.
- Use proper grammar. Spellcheck your letter and be sure to use proper grammar. Refer to *The Elements of Style* for a great overview of effective writing.
- Be concise. Letters to the editor are much more likely to be published if they are 300 words or fewer. Make your point as clearly and concisely as possible.



Dear Editor,

One of the defining features of our nation is our innovative spirit, and our history of cutting-edge technological and medical advances. It is not an accident that we are the world leaders in innovation – our nation’s founders developed the necessary foundation for innovation.

The bedrock of our robust innovative sector is our patent system. Up until recently, the United States had the world’s best patent system and intellectual property protections. Today, according to the Chamber of Commerce’s 2018 Rankings, the United States is now in 12th place in the world for patent protections.

This statistic demonstrates an alarming trend: the United States is falling in an area where we should continue to dominate. Without strong patent protections, who will want to invent in this country?

I recently watched the documentary, *Invalidated: The Shredding of the U.S. Patent System*, and was alarmed to learn that so many inventors in this country are being deprived of their patent rights – an ominous trend, and one that requires immediate action from Congress.

I encourage all readers of this paper to watch *Invalidated*, and then to call Congress about the much-needed reforms to strengthen our patent system and restore the rights to own one’s own intellectual property.

Sincerely,

Your Name
Your City

DATE

The Honorable <<Senator's/Representative's First and Last Name>>
ADDRESS

Dear Senator/Congressman<<LAST NAME>>,

I am writing as your constituent to urge you to support patent protections. I recently watched the Tea Party Patriots Action documentary, *Invalidated: The Shredding of the U.S. Patent System*, about innovation in the United States and the threats to our nation's patent system.

Our nation's founders understood the importance of protecting intellectual property, and that's why they included it in Article I, Section 8 of the Constitution. Our protections of intellectual property have made the United States the world's leader in innovation – and we have a responsibility to protect that innovative culture for future generations.

Right now, the Patent Trial and Appeals Board (PTAB) is acting as a “patent death squad,” and is systematically revoking patents and undermining private property rights in this country. Congress should take decisive action to repeal PTAB, once and for all.

I look forward to hearing your plans to support innovation in this country.

Sincerely,

[INSERT FULL NAME]
[INSERT YOUR FULL ADDRESS]
[INSERT EMAIL ADDRESS]



The Director of the United States
Patent and Trademark Office

Has received an application for a patent for a new and useful invention. The title and description of the invention are enclosed. The requirements of law have been complied with, and it has been determined that a patent on the invention shall be granted under the law.

Therefore, this

United States Patent

Grants to the person(s) having title to this patent the right to exclude others from making, using, offering for sale, or selling the invention throughout the United States of America or importing the invention into the United States of America, and if the invention is a process, of the right to exclude others from using the process, throughout



INVALIDATED

THE SHREDDING OF THE US PATENT SYSTEM

TEA PARTY PATRIOTS ACTION presents a GROUND FLOOR VIDEO production "INVALIDATED" directed by LUKE LIVINGSTON
PRODUCED BY JO ANNE LIVINGSTON EDITOR PRITCHETT COTTEN DIRECTOR OF PHOTOGRAPHY JUDD BRANNON LIGHTING ROBERT HALLEN
EXECUTIVE PRODUCER JENNY BETH MARTIN ASSOCIATE PRODUCER KEVIN MOONEY HAN POSTER DESIGN URGSTUDIO



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Protecting Intellectual Property Is Critical for Our Economy

By Jenny Beth Martin, July 13, 2017

At first blush, the recent dispute between Comcast and TiVo may seem to be nothing more than a feud between two competitors vying for a competitive edge in the free market. Closer inspection, however, reveals this dispute to be anything but a free-market clash – and the implications for U.S. consumers, inventors and even the future of the rule of law are at stake.

Americans can be forgiven for not paying much attention to the litigation between Comcast, the world's largest (by revenue) broadcasting and cable television company, and TiVo, a technology company that licenses its intellectual property to companies like Comcast. But given the nature of the litigation and the possible effects on the future of patent protections, and the United States' ability to maintain its global dominance as the leader in producing, manufacturing and protecting inventions, it is worth paying close attention.

TiVo, which recently joined with Rovi, invents innovative digital technology that is widely used – and enjoyed – by Americans. TiVo licenses much of its technology to cable companies and other broadcasting companies, which, in turn, are able to offer more enhanced and desirable products to their customers. Comcast's services, in the absence of TiVo's cutting-edge technology, would be a much less user-friendly TV-viewing experience. Take, for example, just a few of TiVo's technological advances, such as the customized channel guide and the ability for customers to remotely access and program their DVRs. Forgot to set your set-top box to record your favorite show before you left for work? Thanks to TiVo technology, you can program it from your smartphone.

Strip out the TiVo technology, and Comcast's customers would be watching and recording cable television the way they did back in the 1990s. Comcast, which trademarked its slogan, "The future of awesome," would be decidedly less futuristic and so much less awesome without the embedded TiVo technology.

Which brings us to the ongoing dispute between the two companies.

Comcast, in an apparent effort to reduce costs, has decided it will no longer renew its license agreement with TiVo. But – and here is why TiVo finds itself in the midst of expensive intellectual property litigation with Comcast – Comcast has also decided to flout the laws and simply continue making, using, selling and leasing products that were built upon TiVo's patented inventions.

Comcast's flagrant violation of patent law is outrageously unfair – and, if unchecked, sets up a dangerous precedent that companies can steal other companies' intellectual property. Patent violations are simply large-scale theft by another name, and must be treated as such.

Patents have a long history in the United States and our nation's founders saw fit to include the protection of intellectual property in the Constitution. Article I, section 8, of the Constitution spells out that "Congress shall have power ... to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

And it was not merely the newly formed federal government that sought so ardently to protect intellectual property. Many of the states had already enacted, or would shortly thereafter enact, their own protections of copyrights and patents. Rhode Island, for example, offered that "there [is] no property more peculiarly a man's own than that which is produced by the labour of his mind." It is difficult to come up with a better or more concise reason why intellectual property is so deserving of protection – or why patents must be zealously safeguarded.

American inventors, whether individuals working alone to breathe life into their own idea, or teams of inventors working collaboratively for massive technology companies, share several attributes: They never tire of the pursuit of perfection; they are never satisfied with the status quo; and they are willing to pour their creativity and energy into their concepts. That process of shepherding a good idea from an intellectual concept to a patent-worthy product is painstakingly laborious. The genius of our patent system is that it recognizes – and, more importantly, respects and rewards – that laborious process.

Patents are more than certificates of ownership; they are inducements for inventors to give their time and energy for the risky enterprise of charting a new course. Patents are the single most important foundation undergirding the U.S. economy of inventions and spirit of entrepreneurship – and they are the reason most inventors are willing to undertake the hard work of creating.

Comcast's willful disregard of our patent protections has consequences that will be felt far beyond the cable and broadcast television realm. Let's hope that in the TiVo v. Comcast litigation, the International Trade Commission and U.S. courts continue to respect our necessary patent protections.

Jenny Beth Martin is the co-founder and president of Tea Party Patriots.

Trump can finally make American patents great again

Available at: <http://thehill.com/blogs/pundits-blog/the-administration/338308-trump-can-finally-make-american-patents-great-again>

As President Trump moves to implement his “make America great again” agenda, one rather esoteric subject cries out for attention – reversing the Obama administration’s antipathy toward patent and property rights.

Patent rights – a subsidiary of the property right – ensure that inventors, entrepreneurs, and even corporations have an incentive to engage in research and development, to invest the time and money necessary to invent new things which, hopefully, will better life for all of us.

Our Founders understood the patent right to be one of the keys to ensuring the security of liberty – that’s why Article 1, Section 8, Clause 8 of the Constitution itself gives Congress the power to award patents: “To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries ...”

Or, as James Madison, the “Father of the Constitution,” put it in his December, 1829 “Address at the Virginia Convention,” “It is sufficiently obvious, that persons and property are the two great subjects on which Governments are to act; and that the rights of persons, and the rights of property, are the objects, for the protection of which Government was instituted. These rights cannot well be separated. The personal right to acquire property, which is a natural right, gives to property, when acquired, a right to protection, as a social right.”

Note the significance – “... the rights of persons, and the rights of property, are the objects, for the protection of which Government was instituted.” Government itself, in Madison’s view, was instituted for the protection of personal and property rights.

You wouldn’t know that by looking at how the Obama administration devalued property and patent rights during its eight years in power. In fact, you would be excused for thinking exactly the opposite.

The result is not surprising. According to the Global Intellectual Property Center of the U.S. Chamber of Commerce – which recently issued its fifth annual Global IP Index – the United States has dropped in the world rankings of nations that protect intellectual property to 10th overall on the issue of patents, tied with ... Hungary.

What happens when the protections and incentives you have long afforded inventors begin to weaken? Predictably, you get fewer inventions. According to recent data from the World Intellectual Property Organization (WIPO), Chinese patent applications jumped 45 percent in 2016, while U.S. patent applications actually declined by one percent.

The United States is losing its edge as the leader in innovation across the globe. As our government officials have taken actions across the board to devalue patents and innovation, it's not just manufacturing jobs that have been lost to other nations, but our technological advantage.

Why would the Obama administration deliberately devalue the worth of patents and innovation? To please its corporate patrons in Silicon Valley, which, in many cases, don't invent things themselves, but find innovative ways of using things invented by others. These tech behemoths support policies that lower the value of patents, so they can lower the value (and, therefore, the price) of the patents they license or buy.

President Trump's victory offers the opportunity to reverse course, and once again provide inventors and entrepreneurs the proper incentives to create and invent. With his power of appointment, he has the power to make American inventions great again.

*Jenny Beth Martin (@JennyBethM) is co-founder of the **Tea Party Patriots**.*



Tea Party Patriots Action's mission is to equip Americans with the resources and training they need to be engaged citizens and effective activists. Our vision is for a nation where individual liberty is cherished and maximized, where the Constitution is revered and upheld, and where Americans are free to pursue their American Dream.

AT ITS ROOT THE
AMERICAN DREAM IS
ABOUT FREEDOM.