



July 9, 2024

Katherine K. Vidal  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office  
United States Patent and Trademark Office  
600 Dulany Street  
Alexandria, Virginia 22314

**RE: Terminal Disclaimer Practice To Obviate Nonstatutory Double Patenting**  
**[[Docket No. PTO-P-2024-0003](#)]**

Dear Under Secretary and Director Vidal:

The Alliance for Automotive Innovation (“Auto Innovators”) welcomes the opportunity to submit comments to the United States Patent and Trademark Office (“USPTO”) on its notice of proposed rulemaking (“NPRM”) to amend the rules of practice by adding a new requirement for an acceptable terminal disclaimer that a party files to obviate nonstatutory double patenting. We support the NPRM because, from our perspective, it would lower automotive companies’ defensive costs by enabling them to potentially invalidate multiple patents with a single successful challenge to one of the patents in a disclaimed group.

Auto Innovators represents the manufacturers that produce most of the cars and light trucks sold in the U.S., original equipment suppliers, battery makers, technology companies, and other value chain partners within the automotive ecosystem. Representing approximately 5 percent of the country’s GDP, responsible for supporting nearly 10 million jobs, and driving \$1 trillion in annual economic activity, the automotive industry is the nation’s largest manufacturing sector.

Patent quality is paramount for automotive companies because high-quality patents protect significant research and development investments by the automotive industry and enable companies to produce new mobility technologies. While the automotive industry holds many patents, automotive companies also face frequent lawsuits alleging infringement of patents that should not have been issued. The NPRM’s proposed rules of practice will significantly lower the costs of challenging large patent families. It will also deter the creation of large patent families built on weak patents in the first place. This will allow automotive companies to devote more resources to transforming personal mobility and to creating a cleaner, safer, and smarter transportation future.

Auto Innovators maintains that the NPRM would promote competition, reduce barriers to entry, and lower costs for consumers. The best work of automotive companies is done on the factory

floor, not in the courtroom. We contend that the NPRM will further the goal of a high-quality patent system that rewards innovation instead of allowing low-quality patents to slow down or tax the adoption of new technologies. We support the proposal as one that will foster innovation and progress in industries such as ours.

Auto Innovators encourages the USPTO to adopt the NPRM as a final rule given the implications for competition and innovation. We are grateful for USPTO's continued stakeholder engagement on patent-related matters of interest to the automotive industry.

Sincerely,

A handwritten signature in cursive script that reads "Tara Hairston".

Tara Hairston  
Senior Director, Technology Policy

