



June 12, 2026

The Honorable Chuck Grassley
Chair
Senate Judiciary Committee
United States Senate
Washington, DC 20510

The Honorable Dick Durbin
Ranking Member
Senate Judiciary Committee
United States Senate
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Durbin:

The U.S. Chamber of Commerce writes to express strong opposition to S. 2276, the *Eliminating Thickets to Increase Competition (ETHIC) Act*. While the Chamber supports efforts to strengthen patent quality and promote timely access to innovative products, the ETHIC Act is predicated on faulty and misleading narratives that misconstrue lawful patenting practices and would undermine the strong, predictable, and enforceable intellectual property (IP) rights that power American innovation.

For more than two centuries, the United States' global innovation leadership has rested on a carefully balanced patent system that encourages risk-taking, rewards creativity, and safeguards property rights through reliable legal protections. High-quality patents—issued through timely, rigorous examination—provide the certainty innovators and investors need to undertake high-risk, capital-intensive research and development and to bring new products and services to market.

Concerns about “patent thickets” are frequently advanced using claims and datasets that have been criticized for inaccurate use of underlying data, lack of transparency, and flawed methodology. Policymaking should be evidence-based and grounded in independent, objective facts. The Chamber is concerned that the ETHIC Act would instead treat patent quantity—or the presence of patents connected through a terminal disclaimer relationship—as a proxy for wrongdoing, despite the reality that multiple patents associated with a single product are common across innovative industries and often reflect legitimate, distinct inventions and follow-on innovation.

The Chamber is also concerned that the ETHIC Act would depart from the long-standing, technology-neutral structure of the U.S. patent system by singling out pharmaceutical patents for special limitations. The United States has consistently advocated, both at home and in international trade negotiations, for patent systems that do not discriminate between technologies. Patent rules and examination practices are intended to operate consistently across technologies and art units;

creating sector-specific constraints would reduce predictability and weaken confidence that the same standards apply to all innovators.

Even if proponents describe this approach as “targeted,” it would represent a consequential shift in how the patent system functions, and it risks spillover effects that extend beyond any single industry. Changes that carve out one technology area for different treatment can reverberate across the broader innovation ecosystem, affecting investment and follow-on innovation well beyond the bill’s stated focus.

Rather than weakening established, lawful patent practices, Congress should pursue targeted, constructive reforms that strengthen patent quality and reinforce confidence in the U.S. patent system. This includes ensuring the U.S. Patent and Trademark Office has the resources needed to hire and train examiners, modernize technology, and improve examination efficiency and predictability. A strong, transparent, and predictable patent system is essential to sustaining investment, fostering innovation, and maintaining U.S. competitiveness.

For these reasons, the U.S. Chamber of Commerce urges Congress to reject the ETHIC Act and instead advance evidence-driven policies that strengthen the integrity and performance of the U.S. patent system without undermining the IP framework that enables American discovery, commercialization, and technological leadership.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil Bradley". The signature is fluid and cursive, with a large loop at the end.

Neil Bradley
Executive Vice President, Chief Policy Officer, and
Head of Strategic Advocacy
U.S. Chamber of Commerce