



**FOR
SALE**

How much for that Constitution?

**Ask the supporters of H.R. 1249—
they're the ones trying to buy it!**

**The jury is in: H.R. 1249, the so-called "America
Invents Act," violates the U.S. Constitution!**

Here's how:

The bill's "first to file" provision violates Article I, Section 8, Clause 8 of the U.S. Constitution. H.R. 1249 would overturn 220 years of settled practice by giving patents not to the actual inventors of discoveries, but to the winners of the race to the patent office. The Supreme Court recently confirmed the patent system's current First-to-Invent standard in its decision in *Stanford v. Roche*, rejecting the same legal expert relied upon by H.R. 1249's supporters.

The bill strips Congress of the "power of the purse" set forth by the U.S. Constitution. H.R. 1249 would delegate Congressional authority on fee-setting and spending to the patent office, stripping Congress of its oversight of a major federal agency—a duty mandated by the Constitution.

The bill makes a mockery of the constitutional requirement regarding an inventor's "exclusive use." H.R. 1249 allows a company to hide technology for as long as it likes, and then patent it later to keep others from using it. If it fails to patent the technology, the company can then claim it had already used the technology in the past, invalidating the competitor's patent rights to exclusive use.

Section 18 of H.R. 1249 violates the Takings Clause of the Fifth Amendment. Section 18 of the bill allows banks (and only banks) to challenge the validity of patents that have already been issued by the patent office, successfully re-examined by the patent office, and validated by sitting juries. Section 18 will interrupt inventors' revenue streams, triggering a "taking" under the Fifth Amendment, inviting lawsuits demanding compensation from the federal government. Taxpayers will then be on the hook for billions of dollars, bailing out banks that have already been found guilty of patent infringement.

**The U.S. Constitution is not for sale!
Vote **NO** on H.R. 1249!**



U.S. Business and Industry Council

Fighting for American companies
Fighting for American jobs

For more information, visit NoOnHR1249.org