Before the
Office of Science and Technology Policy
Washington, DC

In re	
Notice of Request for Information; National Strategic Plan for Advanced Manufacturing	Docket No. NIST-2025-0004

COMMENTS OF
COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION (CCIA)

The Computer & Communications Industry (CCIA) submits the following comments in response to the Office of Science and Technology Policy (OSTP)'s Request for Information (RFI) on the Development of a National Strategic Plan for Advanced Manufacturing.[1]

CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms. For more than fifty years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than $100 billion in research and development, and contribute trillions of dollars in productivity to the global economy.[2]

I. Introduction

CCIA members are at the forefront of research and development (R&D) in numerous technological fields that are transforming manufacturing productivity, including artificial intelligence (AI), machine learning, and advanced semiconductor manufacturing. To continue fostering this valuable economic activity, the U.S. should avoid overly prescriptive AI rules that slow adoption relative to global competitors, or other policies that raise costs and reduce resilience.

[1] 90 Fed. Reg. 26335 (June 20, 2025); 90 Fed. Reg. 54769 (Nov. 28, 2025).
[2] A list of CCIA members is available online at https://www.ccianet.org/about/members.

A skilled workforce is fundamental to sustaining technological advancements that enable advanced manufacturing. This includes not just software engineers, but also necessary supporting roles such as manufacturing and data center technicians. Maintaining American leadership in AI also requires investing in world-class training programs for these critical roles.[3] Additionally, retraining initiatives can help mitigate any labor market disruptions stemming from increased AI use. While AI adoption will inevitably reshape traditional job functions, new opportunities will emerge in fields such as data center operations, AI system maintenance, and cybersecurity. Retaining workers for these new roles can help ensure that automation does not leave Americans behind. This approach both supports workforce development and helps those whose lives might be disrupted by the growth of these new technologies.

Balanced U.S. intellectual property policy, particularly regarding patents and standards, also significantly impacts U.S. advanced manufacturing and economic competitiveness. The significant long-term investment required from industry to bring advanced manufacturing to the United States depends on a predictable and balanced patent system. Patents play an essential role in incentivizing innovation in critical emerging technologies. At the same time, patents operate as a form of regulation on business activity by limiting what others can do without permission. Given that more than half of the patents granted by the U.S. Patent and Trademark Office (USPTO) are held by international entities,[4] hundreds of thousands of foreign-held patents can directly impact American manufacturing investments and operations.

When the patent system strikes a proper balance, this form of regulation is manageable. However, recent policy changes have created inappropriate and unnecessary barriers for U.S.

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[3] *See, e.g.*, IT Modernization Centers of Excellence, AI Guide for Government Ch. 4 (2025), https://coe.gsa.gov/coe/ai-guide-for-government/developing-ai-workforce/index.html.

[4] U.S. National Science Foundation, National Center for Science and Engineering Statistics, *Invention, Knowledge Transfer, and Innovation* (Mar. 2022), https://ncses.nsf.gov/pubs/nsb20224.

businesses. These barriers raise costs, increase uncertainty, and deter investment in advanced manufacturing. As Administration leaders, including OSTP Director Kratsios and Secretary Lutnick, have noted, technical standards are important for American competitiveness and leadership.[5] To meet the Administration's stated goal of strengthening U.S. industrial leadership, these barriers must be removed. Unfortunately, recent developments from the U.S. Patent and Trademark Office (USPTO) risk undermining U.S. business success and the Administration's goals.

II. The Ability to Address Invalid Patents at the USPTO Must Be Restored

Just as businesses must be able to obtain and enforce high-quality patents, they also must be able to effectively challenge invalid patents that threaten to shut down manufacturing efforts. In particular, the *inter partes* review (IPR) process, which Congress created under the America Invents Act (AIA), has given American manufacturers the ability to successfully defend their products against imbalanced and unfair patent assertions. For many years, these procedures worked as intended, allowing technically trained experts at the USPTO to evaluate patent validity quickly and accurately. Recent changes, however, have rendered the process largely ineffective.[6] These changes are entirely inconsistent with the Administration's goal of enhancing U.S. manufacturing and economic competitiveness.

At present, the agency routinely denies petitions based on factors unrelated to the merits of patent validity, including the age of the patent or the presence of parallel litigation. The IPR process had provided not just a more efficient and accurate way to determine if a patent is valid,

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[5] *See, e.g.*, *Winning the Race: America's AI Action Plan*, Exec. Office of the President 1-2 (July 2025), https://www.whitehouse.gov/wp-content/uploads/2025/07/Americas-AI-Action-Plan.pdf; *Senators Agree, Howard Lutnick Will Refocus Commerce Department on American Innovation and Light-Touch Regulation*, S. Comm. on Sci., Tech., & Transp. (Feb. 3, 2025), https://www.commerce.senate.gov/2025/2/icymi-senators-agree-howard-lutnick-will-refocus-commerce-department-on-american-innovation-and-light-touch-regulation.

[6] *See, e.g.*, Joshua Landau, *CCIA Comments on Discretionary Denial NPRM* (Dec. 3, 2025), https://ccianet.org/library/uspto-ccia-comments-on-discretionary-denial-nprm/.

but also enabled firms to secure permission to operate before investing in expensive manufacturing lines. Because district courts will not hear advisory cases, there is no ability to engage in similar field-clearing without using IPR. As a result, American manufacturers are increasingly forced into years of costly district-court litigation to clear patent risks that the USPTO is uniquely positioned to resolve efficiently.

These harms are not theoretical. Recently, U.S. providers of semiconductors, computers, smartphones, and networking technologies have faced widespread denials of IPR petitions under the USPTO's new rules, with fewer challenges receiving the required review. Here again, recent changes have undermined the Administration's goals.

To foster advanced manufacturing in the United States, the ability to address invalid patents at the USPTO must be restored. This requires reversing the agency's harmful policies so that it supports, rather than undermines, the Administration's goals of innovation, resilience, and domestic manufacturing growth. And for the same reasons, the USPTO's proposed rules on the IPR process should be withdrawn.

III. Duplicative Patent Litigation at the International Trade Commission Should Cease

Another outlier to the Administration's goals is the International Trade Commission (ITC)'s treatment of patent litigation, serving as a forum for duplicative and wasteful litigation against American business — rather than a forum for American industry to address foreign trade abuses. According to the latest data, a patent dispute at the International Trade Commission has a corresponding patent complaint filed in a district court 83% of the time.[7] Patent disputes make up a significant part of the ITC's overall workload, requiring appropriations of millions of dollars each year to address these labor-intensive, high-stakes proceedings.

[7] *Reconsidering the Patent Jurisdiction of the International Trade Commission*, 38 Harv. J.L. & Tech. 771, 779 (2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4840731

However, the ITC was never intended to be a second bite at the apple for patent holders — more often than not, foreign entities. It was intended to protect American industry and jobs from unfair foreign competition and provide a pathway for U.S. businesses to keep infringing goods from coming into the country when the infringer could not be sued in a district court. With the power to stop goods at the border, including key elements of the supply chain for American manufacturers, duplicative patent proceedings at the ITC are not just wasteful, but also harmful to the U.S. economy and consumers.

CCIA encourages OSTP to provide recommendations for putting a stop to this duplication, including the potential to limit the ITC's jurisdiction to cases in which a district court lacks personal jurisdiction over the parties.[8] This would entirely foreclose any ITC proceeding where the patent holder could have otherwise brought an action in district court.

IV. Access to Standardized Technology Should Not Be Unfairly Withheld

Businesses need to be able to access the standardized technologies that are imperative for advanced manufacturing. While IPR is an effective tool for ensuring that American manufacturers can utilize the technology they develop, it is not the only one. In the realm of standard-essential patents (SEPs), the availability of licenses under FRAND conditions has been critical for ensuring robust competition in standardized technologies. Those technologies are crucial to advanced manufacturing, where wireless connectivity can enable rapid communication across machines on the factory floor and where video encoding and decoding are critical to monitoring production lines.

When patent holders commit their technology to this standard, they also commit to licensing it on FRAND terms. This ensures that standardized technologies remain widely

[8] *See, e.g.*, *Id.* at 796; Colleen V. Chien, *Patently Protectionist? An Empirical Analysis of Patent Cases at the International Trade Commission*, 50 Wm. & Mary L. Rev. 63, 106 (2008), https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1051&context=wmlr.

available and that competition thrives. However, when SEP holders insert their technology into a standard and then refuse to license it on FRAND terms, they engage in anticompetitive conduct that raises costs and chills investment in advanced manufacturing. Recent shifts at the USPTO and Department of Justice have weakened support for strong FRAND enforcement, including policy statements that have concerningly rejected strong FRAND policies.[9] These changes risk driving advanced manufacturing activity away from the United States by increasing uncertainty and licensing risk for firms that rely on standardized technology. To promote domestic manufacturing and innovation, the Administration must affirm the importance of FRAND commitments and ensure that access to standardized technologies is not withheld.

V. Conclusion

CCIA appreciates the opportunity to provide input on the development of the National Strategic Plan for Advanced Manufacturing. As the Administration works to strengthen U.S. industrial leadership, policies must support the deployment of digital technologies that power modern manufacturing. Ensuring a flexible, innovation-friendly AI policy environment, investing in a skilled and adaptable workforce, and restoring balance to patent and standards policy are essential to maintaining U.S. competitiveness. Advanced manufacturing thrives when firms can confidently invest in new technologies, clear patent risks efficiently, and rely on established standards. Weakening tools like IPR review, enabling duplicative ITC litigation, and undermining FRAND commitments for SEPs threatens to raise costs, slow innovation, and push cutting-edge manufacturing activity offshore — outcomes directly at odds with the Administration's stated objectives.

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[9] *See, e.g.*, USPTO Announces Standard-Essential Patent Working Group to Renew American leadership in Technology Standards (Dec. 29, 2025), https://www.uspto.gov/subscription-center/2025/uspto-announces-sep-working-group; Deputy Assistant Attorney General Dina Kallay Delivers Keynote at Concurrences Dinner in New York, Dep't of Justice (Sept. 19, 2025), https://www.justice.gov/opa/speech/daag-dina-kallay-delivers-keynote-concurrences-dinner-new-york.

CCIA urges OSTP to consider these priorities and the digital economy as this process moves forward. The Association stands ready to provide additional policy insight to support a strategy that strengthens U.S. innovation, resilience, and global leadership in advanced manufacturing.

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