

# United States Senate

February 1, 2024

The Honorable Antony Blinken  
Secretary of State  
U.S. Department of State  
2201 C Street, NW  
Washington, DC 20500

The Honorable Gina Raimondo  
Secretary of Commerce  
U.S. Department of Commerce  
1401 Constitution Avenue, NW  
Washington D.C. 20230

Dear Secretary Blinken and Secretary Raimondo:

I write regarding China's attempts to weaponize its court system to steal American companies' critical wireless communications technologies.

For over a decade, Chinese courts have illegally asserted jurisdiction over worldwide license terms for American companies' patent portfolios. Through their courts, the Chinese government consistently undervalues the patent portfolios of non-Chinese companies, forces the transfers of American standard essential patents (SEPs) for significantly less than fair market terms, and even issues orders preventing American patent holders from enforcing the lawful judgments of the United States courts.

I urge you to employ the full range of legal and administrative tools to counter China's efforts to undermine pricing and standards for these technologies. In particular, I urge you to expand the Entity List to include Chinese companies that file global "fair, reasonable, and non-discriminatory" (FRAND) rate setting cases in Chinese courts for the licensing of non-Chinese SEPs without the consent of the patent holder.

Without U.S. intervention, the Chinese government will gain control of the worldwide licensing of wireless communications and other standardized technologies. Chinese control would undermine U.S. national security and threaten America's ability to continue leading the development of the next generation of wireless and video technology.

Thank you for your attention to this important matter.



Tom Cotton  
United States Senator