

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**

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# Patent Public Advisory Committee Quarterly Meeting

## Legislative Update

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# Patent Litigation Abuse Legislation

## Selected/Comprehensive Bills (114<sup>th</sup> Congress)

**H.R. 9 - the “Innovation Act”** - Goodlatte (R-VA-6) and 22 bipartisan cosponsors. A bill targeting abusive patent litigation and making corrections and improvements to the AIA.

- Introduced 2-5-15 and referred to the House Judiciary Committee.
- Several hearings held; U/S Lee testified at 4-14-15 full committee hearing.
- Full Judiciary Committee markup likely late May.

**S. 1137 – the “Protecting American Talent and Entrepreneurship (PATENT) Act”** - Grassley (R-IA) and cosponsors Leahy, Cornyn, Schumer, Hatch, Lee and Klobuchar. A Senate companion bill targeting abusive patent litigation and making corrections and improvements to the AIA.

- Introduced 4-29-15 and referred to Senate Judiciary Committee.
- Tracks Cornyn-Schumer compromise crafted in May of 2014 before bill was pulled from committee consideration.
- Hearing held 5-7-15; markup likely late May.

**S. 632 – the “Support Technology and Research for Our Nation’s Growth (STRONG) Act”** – Coons (D-DE) and cosponsors Durbin and Hirono. A Senate Democratic alternative to S. 1137.

- Introduced 3-3-15 and referred to Senate Judiciary Committee.
- Focus on IPR reform, USPTO funding and demand letters.



# Patent Litigation Abuse Legislation

## Demand Letters (114<sup>th</sup> Congress)

**H.R. 2045 – the “Targeting Rogue and Opaque Letters (TROL) Act”** - Burgess (R-TX-26) and original cosponsors Harper, Kaptur, Kinzinger, Lance and Mullin. Intended to address the problem of abusive patent demand letters.

- Introduced on 4-28-15 and referred to House Energy and Commerce Committee.
- Hearing conducted 4-16-15.
- Approved on 4-29-15 by full committee on 30-22 party line vote.

**H.R. 1896 – the “Demand Letter Transparency Act of 2015”** - Polis (D-CO-2) and cosponsors Deutch (D-FL-21) and Marino (R-PA- 10). Intended to make patent demand letters more detailed, and ramp up oversight, transparency and enforcement.

- Introduced on 4-20-15 and referred to House Judiciary Committee.

# Patent Litigation Abuse Legislation

## USPTO Funding and Grace Period (114<sup>th</sup> Congress)

**H.R. 1832 – the “Innovation Protection Act”** - Conyers (D-MI-13) and cosponsors Collins, Deutch, Franks, Jeffries, Lofgren, Nadler, Rohrabacher and Sensenbrenner. Would provide for permanent funding for the USPTO by allowing the Agency to have autonomy over fee collections.

- Introduced on 4-16-15 and referred to House Judiciary Committee.

**H.R. 1791 – the “Grace Period Restoration Act”** - Sensenbrenner (R-WI-5) and Conyers (D-MI-13). Intended to restore the effective one-year “grace period” for inventors who publicly disclose discoveries prior to filing a patent application on those discoveries.

- Introduced on 4-14-15 and referred to House Judiciary Committee.
- Introduced on behalf of University community.

**S. 926 – the “Grace Period Restoration Act”** - Baldwin (D-WI) and Vitter

(R-LA). Intended to restore the effective one-year “grace period” for inventors who publicly disclose discoveries prior to filing a patent application on those discoveries.

- Introduced on 4-14-15 and referred to Senate Judiciary Committee.
- Companion bill to H.R. 1791.



# Patent Litigation Abuse Legislation

## Issues Addressed in Current Bills (114<sup>th</sup> Congress)

- Fee Shifting and Recovery
- Heightened Pleading Requirements
- Discovery rules and stays
- Transparency of patent ownership
- Customer stay
- Demand letter sufficiency, transparency and enforcement
- PGR and IPR Proceedings – Changes/Improvements
- Grace period clarification
- Other Miscellaneous Provisions (including Double patenting codification)



# Questions and Comments

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