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S.1145

Title: A bill to amend title 35, United States Code, to provide for patent reform.

Sponsor: [Sen Leahy, Patrick J.](#) [VT] (introduced 4/18/2007) [Cosponsors](#) (8)

Related Bills: [H.R.1908](#)

Latest Major Action: 7/19/2007 Senate committee/subcommittee actions. Status: Committee on the Judiciary. Ordered to be reported with amendments favorably.

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SUMMARY AS OF:

4/18/2007--Introduced.

Patent Reform Act of 2007 - Modifies conditions under which a patent may be obtained for an invention or discovery, including by: (1) defining "inventor" to include a joint inventor and coinventor; (2) making the effective filing date of a claimed invention the filing date of the patent or the patent application; and (3) revising procedures for patent interference disputes.

Revises requirements for an inventor's oath or declaration to allow substitute statements in specified circumstances (e.g., death or disability) and supplemental and corrected statements.

Allows a third party assignee (other than the inventor) or a person with a proprietary interest to file a patent application.

Modifies provisions relating to damages for patent infringement to: (1) require a court to conduct an analysis of a patent's specific contribution over prior art; (2) allow increased damages for willfull patent infringement; and (3) expand the prior user defense.

Renames the Board of Patent Appeals as the Patent Trial and Appeal Board. Revises provisions relating to the Board's composition, duties, and authorities.

Allows a person who is not the patent owner to file a petition with the Board to cancel a patent as invalid (post-grant review). Sets forth procedures for the consideration of such petitions, including provisions to prevent harassment of patent owners and abuse of process.

Allows third parties to submit documents relevant to the examination of a patent application.

Revises venue requirements for civil patent actions against individuals and corporations to allow actions to be brought in the judicial district where either party resides (currently, where the defendant resides) or where the corporation has its principal place of business or was incorporated.

MAJOR ACTIONS:

NONE

ALL ACTIONS:

4/18/2007:

Sponsor introductory remarks on measure. (CR [S4685-4686](#))

4/18/2007:

Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR [S4686-4691](#))

6/6/2007:

Committee on the Judiciary. Hearings held.

6/21/2007:

Committee on the Judiciary. Committee consideration and Mark Up Session held.

7/19/2007:

Committee on the Judiciary. Ordered to be reported with amendments favorably.

TITLE(S): *(italics indicate a title for a portion of a bill)*

NONE

COSPONSORS(8), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: [by date](#))

[Sen Bennett, Robert F.](#) [UT] - 5/22/2007 [Sen Cornyn, John](#) [TX] - 4/18/2007
[Sen Craig, Larry E.](#) [ID] - 4/24/2007 [Sen Crapo, Mike](#) [ID] - 5/22/2007
[Sen Hatch, Orrin G.](#) [UT] - 4/18/2007 [Sen Salazar, Ken](#) [CO] - 9/7/2007
[Sen Schumer, Charles E.](#) [NY] - 4/18/2007 [Sen Whitehouse, Sheldon](#) [RI] - 4/18/2007

COMMITTEE(S):

Committee/Subcommittee:	Activity:
Senate Judiciary	Referral, Hearings, Markup, In Committee

RELATED BILL DETAILS: (additional related bills may be identified in Status)

Bill:	Relationship:
H.R.1908	Identical bill identified by CRS

AMENDMENT(S):

NONE