

S 1754

Patent and Trademark Office Authorization Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Nov 30, 2001

Current Status: Held at the desk.

Latest Action: Held at the desk. (Jun 27, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/senate-bill/1754>

Sponsor

Name: Sen. Leahy, Patrick J. [D-VT]

Party: Democratic • State: VT • Chamber: Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Bennett, Robert F. [R-UT]	R · UT		Nov 30, 2001
Sen. Hatch, Orrin G. [R-UT]	R · UT		Nov 30, 2001
Sen. Reid, Harry [D-NV]	D · NV		Nov 30, 2001
Sen. Cantwell, Maria [D-WA]	D · WA		Dec 19, 2001
Sen. Carper, Thomas R. [D-DE]	D · DE		Feb 27, 2002

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Jun 20, 2002

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
107 HR 2215	Related bill	Nov 2, 2002: Became Public Law No: 107-273.
107 HR 2047	Related bill	Oct 3, 2002: For Further Action See H.R.2215.

Patent and Trademark Office Authorization Act of 2002 - Authorizes appropriations to the U.S. Patent and Trademark Office for salaries and expenses for FY 2003 through 2008 in an amount equal to all patent and trademark fees estimated by the Secretary of Commerce (Secretary) to be collected in each such fiscal year.

(Sec. 2) Requires the Under Secretary of Commerce for Intellectual Property and the Director of the Office (Director), by February 15 of each fiscal year, to report an estimate of all fees to be collected in the next fiscal year to the chairman and ranking member of specified congressional committees.

(Sec. 3) Requires the Director, by December 1, 2004, to complete the development of an electronic system for the filing and processing of patent and trademark applications that: (1) is user friendly; and (2) includes the necessary infrastructure to allow examiners and applicants to send all communications electronically, and the Office to process, maintain, and search electronically the contents and history of each application. Authorizes appropriations for FY 2003 and 2004 for development of such system.

(Sec. 4) Requires the Secretary, in each of the five calendar years following the enactment of this Act, to report to specified congressional committees on the progress made in implementing the 21st Century Strategic Plan issued on June 3, 2002, and on any amendments made to it.

(Sec. 5) Amends Federal patent law to provide that previous citation by or to, or consideration by the Office of, a patent or printed publication does not preclude the existence of a substantial new question of patentability in patent reexamination proceedings.

(Sec. 6) Revises requirements for appeals in inter partes reexamination proceedings to allow a third-party requester to appeal to the U.S. Court of Appeals for the Federal Circuit, or be a party to any appeal taken by the patent owner, with respect to any final decision favorable to the patentability of any original or proposed amended or new claim of the patent.

Allows a third-party requester to appeal a decision of the Board of Patent Appeals and Interferences.

Provides that a third-party requester in an inter partes reexamination proceeding dissatisfied with the final decision in an appeal to the Board may appeal the decision only to the U.S. Court of Appeals for the Federal Circuit.

Actions Timeline

- **Jun 27, 2002:** Received in the House.
- **Jun 27, 2002:** Message on Senate action sent to the House.
- **Jun 27, 2002:** Held at the desk.
- **Jun 26, 2002:** Measure laid before Senate by unanimous consent. (consideration: CR S6175-6176)
- **Jun 26, 2002:** The committee substitute agreed to by Unanimous Consent.
- **Jun 26, 2002:** Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.(text: CR S6175-6176)
- **Jun 26, 2002:** Passed Senate with an amendment and an amendment to the Title by Unanimous Consent. (text: CR S6175-6176)
- **Jun 20, 2002:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jun 20, 2002:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute and an amendment to the title. Without written report.
- **Jun 20, 2002:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute and an amendment to the title. Without written report.
- **Jun 20, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 426.
- **Nov 30, 2001:** Introduced in Senate
- **Nov 30, 2001:** Sponsor introductory remarks on measure. (CR S12261-12263)
- **Nov 30, 2001:** Read twice and referred to the Committee on the Judiciary.