

HR 5299

Patent Quality Assistance Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Oct 8, 2004

Current Status: Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.

Latest Action: Referred to the Subcommittee on Courts, the Internet, and Intellectual Property. (Nov 5, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/5299>

Sponsor

Name: Rep. Berman, Howard L. [D-CA-28]

Party: Democratic • State: CA • Chamber: House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Boucher, Rick [D-VA-9]	D · VA		Oct 8, 2004

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred to	Nov 5, 2004

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

No related bills are listed.

Patent Quality Assistance Act of 2004 - Allows a person to request that the grant or reissue of a patent be reconsidered by the United States Patent and Trademark Office (USPTO) by filing an opposition seeking to invalidate one or more claims in the patent.

Requires the Director of USPTO to issue and publish a certificate, in accordance with the final decision by the panel of three administrative patent judges, canceling any claim of the patent determined to be unpatentable and incorporating into the patent any new or amended claims determined to be patentable.

Allows a third party to submit for consideration, and for inclusion in the record, prior art to determine whether the invention was known, used, in public use, or on sale or would have been obvious.

Provides that a notice of a patent holder alleging infringement of the patent is not deemed to be sufficient to subject a recipient of the notice to liability for willful infringement of the patent, with exceptions.

Prohibits a court from granting an injunction for violations of a right secured by a patent unless it finds that the patentee is likely to suffer irreparable harm that cannot be remedied by payment of money damages.

Provides that a third party requester whose request for a reexamination results in an order is not estopped from asserting a claim which the third party requester could have raised during such reexamination proceedings.

Sets forth provisions regarding circumstances under which a patent application involving a business method invention combined with computer technology would not be denied on the basis of obviousness.

Actions Timeline

- **Nov 5, 2004:** Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
- **Oct 11, 2004:** Sponsor introductory remarks on measure. (CR E1935-1936)
- **Oct 8, 2004:** Introduced in House
- **Oct 8, 2004:** Introduced in House
- **Oct 8, 2004:** Referred to the House Committee on the Judiciary.