

HR 5096

PDQ Act

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Apr 5, 2006

Current Status: Sponsor introductory remarks on measure. (CR E524-525)

Latest Action: Sponsor introductory remarks on measure. (CR E524-525) (Apr 6, 2006)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/5096>

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		Apr 5, 2006

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred To	Apr 5, 2006

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

No related bills are listed.

Patents Depend on Quality Act of 2006 or PDQ Act - 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 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.

Allows treble damages only upon a finding of willful infringement of a patent. (Current law allows treble damages for any patent infringement.) Sets forth the grounds for a finding of willful infringement.

Permits transfers of venue. Requires a court to stay an injunction pending appeal upon an affirmative showing that: (1) the stay would not result in irreparable harm to the owner of the patent; and (2) the balance of hardships from the stay does not favor the owner of the patent.

## **Actions Timeline**

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- **Apr 6, 2006:** Sponsor introductory remarks on measure. (CR E524-525)
- **Apr 5, 2006:** Introduced in House
- **Apr 5, 2006:** Introduced in House
- **Apr 5, 2006:** Referred to the House Committee on the Judiciary.