

## S 3600

Patent Reform Act of 2008

**Congress:** 110 (2007–2009, Ended)

**Chamber:** Senate

**Policy Area:** Commerce

**Introduced:** Sep 25, 2008

**Current Status:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S9506-

**Latest Action:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S9506-9516) (Sep 25, 2008)

**Official Text:** <https://www.congress.gov/bill/110th-congress/senate-bill/3600>

### Sponsor

**Name:** Sen. Kyl, Jon [R-AZ]

**Party:** Republican • **State:** AZ • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Sep 26, 2008

### Subjects & Policy Tags

**Policy Area:**

Commerce

### Related Bills

*No related bills are listed.*

Patent Reform Act of 2008 - Amends federal patent law to define terms, including "inventor," "joint inventor," and "effective filing date of a claimed invention."

Modifies the conditions under which a patent may be obtained, including basing patent granting in part on filing dates (often referred to as a "first-to-file" system).

Repeals provisions relating to inventions made abroad and provisions allowing statutory invention registration.

Requires that a subsequent patent application which names an inventor or joint inventor in a previous application apply as though filed on the date of the previous application.

Repeals provisions providing for interfering patent civil actions.

Allows an applicant to request a derivation proceeding.

Allows a third party assignee or a person with a proprietary interest to file a patent application.

Allows tripling of royalty damages.

Sets forth criteria for calculating reasonable royalties.

Replaces provisions relating to optional *inter partes* reexamination procedures with post-grant review procedure provisions.

Replaces the Board of Patent Appeals and Interferences with the Patent Trial and Appeal Board and specifies its responsibilities.

Revises civil action venue requirements.

Allows the United States Patent and Trademark Office (USPTO) to set its fees.

Prohibits, subject to exception, holding a patent invalid or unenforceable based on misconduct before the USPTO, but allows a court to order a reissue application. Allows a civil penalty for intentional, materially deceptive conduct.

Shields a financial institution that infringes by using a check collection system from the infringement remedies of civil actions, injunctions, damages, and attorney's fees. Applies the amendment made by this paragraph to any civil action for infringement pending or filed on or after enactment of this Act.

Establishes the United States Patent and Trademark Office Public Enterprise Fund, transfers to it the amounts in the Patent and Trademark Office Appropriation Account, and makes Fund amounts available without fiscal year limitation for all ordinary and reasonable expenses.

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## **Actions Timeline**

- **Sep 25, 2008:** Introduced in Senate
- **Sep 25, 2008:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S9506-9516)