

HR 2639

Patent Litigation and Innovation Act of 2013

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Jul 10, 2013

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

Latest Action: Referred to the Subcommittee on Courts, Intellectual Property, and the Internet. (Sep 13, 2013)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/2639>

Sponsor

Name: Rep. Jeffries, Hakeem S. [D-NY-8]

Party: Democratic • **State:** NY • **Chamber:** House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Farenthold, Blake [R-TX-27]	R · TX		Jul 10, 2013

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred to	Sep 13, 2013

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
113 S 1013	Related bill	Dec 17, 2013: Committee on the Judiciary. Hearings held.
113 HR 3309	Related bill	Dec 9, 2013: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Patent Litigation and Innovation Act of 2013 - Directs a party alleging infringement in a civil action arising under any Act of Congress relating to patents to include in the court pleadings:

- an identification of each patent and claim allegedly infringed as well as the accused apparatus, product, feature, device, method, system, process, function, act, service, or other instrumentality (referred to as an "accused instrumentality") alleged to infringe any such claim;
- an identification of the name or model number of accused instrumentalities that allegedly result in the practice of a claimed invention;
- for each accused instrumentality, an explanation of where each element of each asserted claim identified is found within the accused instrumentality, whether each such element is infringed literally or under the doctrine of equivalents, and how the terms in each asserted claim correspond to the functionality of the accused instrumentality;
- for each claim alleged to have been infringed indirectly, a description of the direct infringement, any person alleged to be a direct infringer known to the party alleging infringement, and the acts of the alleged indirect infringer that contribute to or are inducing the direct infringement;
- a description of the right of the party alleging infringement to assert each identified patent and claim;
- the principal business of the party alleging infringement; and
- the identity of any person other than the party alleging infringement, known to the party alleging infringement, who:
(1) owns or co-owns an identified patent or is the assignee of, or an exclusive licensee to, such patent; or (2) has a legal or financial right to enforce an identified patent.

Sets forth procedures with respect to the joinder of parties, stays of action against secondary parties (parties accused of infringing a patent in dispute based on the use, distribution, resale, or consumption of a product or process by a primary party), and stays of discovery until the court has ruled on any motions to dismiss or transfer venue. Permits the court to expand discovery in extraordinary circumstances.

Directs the court, upon final adjudication, to include in the record specific findings on the compliance by each party and attorney with Federal Rules of Civil Procedure addressing proper representations to the court, including findings that motions and pleading were not presented to harass, delay, or increase litigation costs and that claims were nonfrivolous and based on evidentiary support.

Authorizes sanctions for: (1) a willful failure to preserve evidence during a stay of discovery, and (2) a violation of the representation to the court rules.

Actions Timeline

- **Sep 13, 2013:** Referred to the Subcommittee on Courts, Intellectual Property, and the Internet.
- **Jul 10, 2013:** Introduced in House
- **Jul 10, 2013:** Referred to the House Committee on the Judiciary.