

S 2082

STRONGER Patents Act of 2019

Congress: 116 (2019–2021, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Jul 10, 2019

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Jul 10, 2019)

Official Text: <https://www.congress.gov/bill/116th-congress/senate-bill/2082>

Sponsor

Name: Sen. Coons, Christopher A. [D-DE]

Party: Democratic • **State:** DE • **Chamber:** Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cotton, Tom [R-AR]	R · AR		Jul 10, 2019
Sen. Cramer, Kevin [R-ND]	R · ND		Jul 10, 2019
Sen. Durbin, Richard J. [D-IL]	D · IL		Jul 10, 2019
Sen. Hirono, Mazie K. [D-HI]	D · HI		Jul 10, 2019
Sen. Kennedy, John [R-LA]	R · LA		Jul 10, 2019

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Jul 10, 2019

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
116 HR 3666	Identical bill	Jul 30, 2019: Referred to the Subcommittee on Courts, Intellectual Property, and the Internet.
116 HR 108	Related bill	Jan 25, 2019: Referred to the Subcommittee on Consumer Protection and Commerce.

Support Technology and Research for Our Nation's Growth and Economic Resilience Patents Act of 2019 or the STRONGER Patents Act of 2019

This bill makes several patent-related changes, including with respect to how the U.S. Patent and Trademark Office (USPTO) conducts administrative patent validity reviews.

When deciding inter partes reviews (IPRs) and post-grant reviews (PGRs), the USPTO's Patent Trial and Appeal Board (PTAB) shall give patent claim terms their ordinary and customary meanings as understood by a person of ordinary skill in the relevant art (the same standard used in court). If a court has already construed a patent claim, the USPTO shall consider that construction.

The bill makes various changes relating to such proceedings, such as by (1) raising the burden of proof to invalidate a patent claim; (2) establishing that a challenged patent claim is presumed valid; (3) imposing standing requirements as to who may file an IPR or PGR, where none currently exist except for some timing requirements; (4) restricting when multiple challenges may be filed against the same patent; and (5) limiting IPRs and PGRs when a court or the International Trade Commission has ruled on the obviousness or novelty of the same patent claims.

This bill also (1) makes it easier to get an injunction after a court finding of the infringement of a valid patent, by a presumption that further infringement would cause irreparable injury and the remedies available at law are inadequate; (2) authorizes the USPTO to keep and spend the fees that it collects; and (3) makes bad faith patent demand letters an unfair or deceptive act in violation of the Federal Trade Commission Act.

Actions Timeline

- **Jul 10, 2019:** Introduced in Senate
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