

S 2891

Restoring the America Invents Act

Congress: 117 (2021–2023, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Sep 29, 2021

Current Status: Read twice and referred to the Committee on the Judiciary. (Sponsor introductory remarks on measure:

Latest Action: Read twice and referred to the Committee on the Judiciary. (Sponsor introductory remarks on measure: CR S6782-6783) (Sep 29, 2021)

Official Text: <https://www.congress.gov/bill/117th-congress/senate-bill/2891>

Sponsor

Name: Sen. Leahy, Patrick J. [D-VT]

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

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cornyn, John [R-TX]	R · TX		Sep 29, 2021
Sen. Crapo, Mike [R-ID]	R · ID		Oct 4, 2021
Sen. Blumenthal, Richard [D-CT]	D · CT		Oct 18, 2021
Sen. Klobuchar, Amy [D-MN]	D · MN		Oct 18, 2021
Sen. Risch, James E. [R-ID]	R · ID		Dec 17, 2021

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Sep 29, 2021

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

No related bills are listed.

Restoring the America Invents Act

This bill modifies various provisions related to administrative patent validity review proceedings conducted before the Patent Trial and Appeal Board (PTAB), a body within the Patent and Trademark Office (PTO).

For example, the bill

- expands the scope of inter partes reviews (IPRs), one type of such review proceedings, by allowing challenges to a patent's validity based on statutory or obviousness-type double patenting grounds;
- authorizes the PTO director to review, modify, or set aside final PTAB decisions;
- authorizes governmental entities to file IPRs and post-grant reviews (PGRs), a related type of patent review proceeding;
- requires the PTO to institute an IPR (i.e., a decision to proceed with the full IPR proceeding) if there's a reasonable likelihood that the petitioner will prevail, subject to limited exceptions;
- establishes in statute factors for a court to consider when deciding a request to stay a patent infringement lawsuit involving a patent subject to a pending IPR or PGR;
- modifies provisions related to the joinder of parties and handling of multiple proceedings involving the same patent before the PTO; and
- modifies provisions relating to the time limitation for filing an IPR, including by establishing that a lawsuit dismissed without prejudice does not trigger the time limitation (generally, a petitioner wishing to file an IPR must do so within one year of being served a lawsuit alleging infringement of the patent).

Actions Timeline

- **Sep 29, 2021:** Introduced in Senate
- **Sep 29, 2021:** Read twice and referred to the Committee on the Judiciary. (Sponsor introductory remarks on measure: CR S6782-6783)