

S 1553

PREVAIL Act

Congress: 119 (2025–2027, Current)

Chamber: Senate

Policy Area: Commerce

Introduced: May 1, 2025

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

Latest Action: Read twice and referred to the Committee on the Judiciary. (May 1, 2025)

Official Text: <https://www.congress.gov/bill/119th-congress/senate-bill/1553>

Sponsor

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

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

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Durbin, Richard J. [D-IL]	D · IL		May 1, 2025
Sen. Hirono, Mazie K. [D-HI]	D · HI		May 1, 2025
Sen. Tillis, Thomas [R-NC]	R · NC		May 1, 2025

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	May 1, 2025

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
119 HR 3160	Identical bill	May 1, 2025: Referred to the House Committee on the Judiciary.

Promoting and Respecting Economically Vital American Innovation Leadership Act or the PREVAIL Act

This bill addresses various issues relating to the U.S. Patent and Trademark Office (USPTO), including by imposing additional requirements on administrative patent validity challenges (proceedings to review and potentially cancel issued patents) at the USPTO.

The bill modifies provisions relating to inter partes reviews (IPRs) and other administrative patent validity proceedings, including by

- prohibiting an administrative patent judge who participated in deciding whether to institute an IPR (i.e., whether to allow the IPR to proceed based on the initial petition) from also participating in deciding the final outcome of the same IPR;
- prohibiting a person (individual or entity) from petitioning for an IPR against a patent unless the person meets certain standing requirements (currently, any person may petition for an IPR);
- prohibiting a person who has challenged a patent's validity in an IPR from raising the same challenges against the patent in other proceedings (e.g., district court) if the IPR has been instituted; and
- raising the burden that the petitioner in an IPR must meet to invalidate a previously issued patent claim.

The bill also makes institutions of higher education (IHEs) and nonprofit entities that hold patents on behalf of IHEs eligible for reduced patent-related fees, including filing fees. (Currently, employees of IHEs are eligible for reduced fees but not the IHEs themselves.)

The bill also makes fees collected by the USPTO available for the USPTO's use without further appropriations from Congress.

