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## 2007 Patent Law Reform

[HR 1908](#) as passed by the House of Representatives on September 7, 2007

The [Patent Reform Act of 2007](#) (S.1145) (H.R. 1908) was introduced on April 18, 2007 in both the House of Representatives and the Senate.

Representatives Berman (CA), Smith (TX), Conyers (MI), Coble (NC), Boucher (VA), Goodlatte (VA), Lofgren (CA), Issa (CA), Schiff (CA), Cannon (UT), and Jackson-Lee (TX) introduced [H.R. 1908](#).

Senators Leahy(VT), Hatch (UT), Schumer (NY), and Cornyn (TX) introduced [S. 1145](#).

Patent format includes the following [sections](#):

- First-to-File (sec. 3)
- Assignee Filing (sec. 4)
- Prior User Rights (sec. 5)
- Patent Damages (sec. 5)
- Enhanced Patent Reexamination (sec. 6)
- Post-grant Review Proceeding (sec. 6)
- Publication of Applications After 18 months (sec. 9)
- Submission of Prior Art by Third Parties (sec. 9)
- Venue for Patent Suits (sec. 10)
- Interlocutory Appeals of Claim Construction (sec.10)
- Expanded USPTO Rulemaking Authority (sec. 11)

## Legislative Activity on Patent Law Reform:

**September 11, 2007 - HR 1908:** [Text Passed by House and Received in the Senate](#)

**September 6, 2007 - [House Committee Report](#)**

The House passed the Patent Reform Act by a vote of 225-176, after accepting the Conyers amendment by a vote of 263-136. The House also accepted Issa amendments No. 2 and 3, the Jackson-Lee amendment No. 4 and the Pence amendment No. 5 (all listed in H.R.Rep.No. 319 accompanying the rule for consideration).

Statement of administrative policy on HR 1908 is available [here](#).

Rules Committee draft report relating to HR 1908 is available [here](#).

**September 5, 2007 - [HR 1908](#)**

The deadline for representative amendments to HR 1908 was 5:00 p.m., September 5, 2007. House Leadership met at 3:00 p.m., September 6, 2007 to set the rules for debate on the House Floor. The voting on HR 1908 began at 9:00 a.m. Friday, September 7, 2007.

The Report of the House on HR 1908 is available [here](#).

Daily Digest report of HR 1908 debate is available [here](#).

All filed amendments are available [here](#).

**July 20, 2007 - Hearing**

*IPO Daily News*, [Daily Comment on Patent Reform Legislation - Senate Judiciary Committee Favorably Reports a Bill](#)

**July 18, 2007 - Hearing**

The Senate proceedings will begin at 10 am in Room 226, Dirksen Senate Office Building, and will not be available by webcast.

The House markup will begin at 1015 am in Room 2141, Rayburn House Office Building, and will be available by webcast on the House Judiciary Committee website at <http://judiciary.house.gov/markup.aspx?ID=175>

**July 12, 2007 - Hearing**

Senate Committee on the Judiciary. Date of scheduled consideration for S. 1145. SD-226. 10:00 a.m.

**June 28, 2007 - Hearing**

Senate Judiciary Committee, Markup of S.1145

**June 21, 2007 - Hearing**

Senate Judiciary Committee, Markup of S. 1145. Senator Leahy introduced a [substitute bill](#). The Judiciary Committee adopted the manager's amendment, however the bill has not been reported out of the committee.

**June 19, 2007**

[Letter regarding Patent Reform Legislation with 200 signatories.](#)

**June 6, 2007 - Hearing**

Oversight Hearing on: "Patent Reform: The Future of American Innovation"

**May 16, 2007:**

Markup of H.R. 1908

**May 16, 2007:**

[Letter from General Counsel of the U.S. Department of Commerce regarding H.R. 1908](#)

**May 3, 2007 - Letter**

[Judge Michel to the Senate Judiciary Committee regarding patent reform bill.](#)

**April 26, 2007 - Hearing** [Agenda](#)

Oversight Hearing on: "The Patent Reform Act of 2007." (H.R. 1908)

**February 15, 2007 - Hearing** [Agenda](#)

Oversight Hearing on: [American Innovation at Risk: "The Case for Patent Reform."](#)

## **Key Government/Industry Reports and Publications:**

**April 18, 2007 - [Draft of the 2007 patent reform legislation](#)**

A bill to amend title 35, United States Code, to provide for patent reform.

**February 13, 2007 - Bill**

[Pilot program to encourage enhancement of expertise in patent cases among district judges](#) (H.R. 34)

## **Other Sources:**

Sara Stefanini, "Experts Praise Patent Reform, Suggest Changes," IP 360, (Apr. 27, 2007) Erik Larson, "Patent Reform Bill Lands in House, Senate," IP 360 (Apr. 18, 2007)  
Christopher S. Rugaber, "Patent Reform Bill Seeks to Improve Patents, Reduce Litigation, " AP (Apr. 18, 2007)  
Alan Sipress, "Patently at Odds: Drug and Tech Sectors Battle With Reform High on Agenda," Washington Post at D01 (Apr. 18, 2007).  
Susan Decker, "Patent Law Overhaul." Bloomberg News, Apr. 6, 2006  
Donald S. Chisum, Reforming Patent Law Reform, 4 J. Marshall Rev. Intell. Prop. L. 336 (2005).  
C. Boyden Gray, "Patent Reform Bill: A Troubling Proposal for the U.S. Patent Law System," Patent, Trademark & Copyright Journal, Vol. 70, No. 1723, p. 121 (Jun. 3, 2005).  
Joelle Tessler, "Major Players Square Off on Patent Law Rewrite," CQ Weekly, p. 1696 (Jun. 27, 2005).

## **Other Intellectual Property-Related Actions:**

### **May 17, 2007 - Hearing**

To amend title 35, United States Code, to limit damages and other remedies with respect to patents for tax planning methods. [H.R. 2365](#)