

AMENDMENT NO. _____ Calendar No. _____

Purpose: To strike section 5 and to conduct a study on post-grant patent review procedures.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

S. 1145

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. COBURN

Viz:

1 On page 30, line 9, strike all through page 45, line
2 3, and insert the following:

3 (b) STUDY ON POST-GRANT PATENT REVIEW PRO-
4 CEDURES.—

5 (1) IN GENERAL.—The Director of the United
6 States Patent and Trademark Office and the Attor-
7 ney General, jointly, shall conduct a study on post-
8 grant patent review procedures utilized in foreign
9 countries, including in Japan, China, Korea, Tai-
10 wan, and the European Union.

1 (2) CONTENT.—The study required under para-
2 graph (1) shall investigate, at a minimum—

3 (A) the need for a post-grant procedure in
4 each country described under paragraph (1);

5 (B) the experience of each such country
6 that has implemented a post-grant patent re-
7 view procedure;

8 (C) the reasons, if any, for implementation
9 of a revised post-grant patent review procedure
10 in any such country after the original attempt
11 at implementing such a procedure proved prob-
12 lematic or ineffective; and

13 (D) the implications, economic and other-
14 wise, for the United States should it proceed
15 with establishing a post-grant patent review
16 procedure.

17 (3) COLLABORATION.—The Attorney General
18 and the Secretary of Commerce shall collaborate on
19 how the study required under paragraph (1) shall be
20 conducted.

21 (4) REPORT.—Not later than 6 months after
22 the date of enactment of this Act, the Director and
23 the Attorney General shall submit to Congress the
24 findings of the report required under paragraph (1).

- 1 On page 41, line 9, strike “; and” and insert a period.

- 2 On page 41, strike lines 10 and 11.

- 3 On page 41, line 17, strike “Once” and all that fol-
- 4 lows through “proceedings.” on line 20.