

# THE COALITION FOR 21ST CENTURY PATENT REFORM

*Protecting Innovation to Enhance American Competitiveness*

## **New Ideas Creating New Products Creating New Manufacturing Jobs:** *Make the Patent System Work for the 21<sup>st</sup> Century U.S. Economy*

### **Simplify the rules for patent applications so they can be processed more rapidly, at reduced cost, and become more effective patents for investing in new products:**

- Limit “prior art” used to bar a patent from issuing to only those disclosures made available to the public before the patent was sought and disclosures in earlier-filed patent applications.
- Remove all arcane and subjective tests for deciding whether to issue a patent.
- Repeal the “patent interference” provisions that inject delay, cost and uncertainty into the patenting process.
- Let members of the public provide patent examiners with relevant publications and other public documents, before deciding whether a patent can be granted.
- Keep and apply rigorous standards for issuing patents, but assure that they are simple, transparent and objective.

### **Assure the highest possible quality for patents that have been granted:**

- Permit members of the public to challenge whether newly issued patents meet each of the rigorous standards for patenting—and require the United States Patent and Trademark Office to promptly cancel any patents that do not.
- Authorize supplemental examination proceedings, before a patent is enforced, to allow patent owners to present the USPTO with information that may be used to assure the scope of the patent is commensurate with its contribution.
- Allow the USPTO to set fees for the services it performs for processing patent applications sufficient to cover the costs of promptly completing a high-quality examination.

### **Make patent lawsuits fair and just for both patent owners and accused infringers.**

- Provide district court judges with more resources with which to handle the technical complexity of a typical patent lawsuit.
- Require judges to fully evaluate the legal and evidentiary basis of damages contentions asserted to compensate patent owners for patent infringement.
- Assure any increased damages can only be awarded where a patent infringer's actions were objectively reckless.
- Require district court judges to send a lawsuit to the court that is clearly most convenient for the parties.
- Limit the ability of a party to recover for false patent marking to the amount of the party's actual competitive injuries.

***How can Congress accomplish all of this good for the country? Enact S. 515!***  
**What do we stand to lose if we don't: New Ideas, New Products, and New Jobs**