

**S. 23 Means New Ideas Creating New Products
Creating New Manufacturing Jobs:**

Let S. 23 Make the Patent System Work for the 21st Century U.S. Economy

Keep the first-inventor-to-file provisions of S. 23 in the bill to afford all inventors the benefits for a more transparent, objective, predictable and simple patent law:

- The first-inventor-to-file provisions of S. 23 protect independent inventors—they will particularly benefit from the simplicity of the first-inventor-to-file rule and actually gain patents that they otherwise would forfeit.
- Eliminate the potential prejudice to U.S. patent inventors arising from the 1994 law that opened our patent system to foreign-origin invention date proofs.

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—making patenting rules more predictable.

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.

- 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. 23!
What do we stand to lose if we don’t: New Ideas, New Products, and New Jobs