Legislative Committee Report
January 1984

S.1538 originally authorized the issuance of a patent without formal examination provided the patentee waived all infringement remedies.

This bill has now advanced through hearing and mark-up to the point where the bill would now permit the Patent and Trademark Office to publish a "statutory invention recording" if the applicant waives the right to receive a patent. A "statutory invention recording" would be accorded all of the attributes of a patent except for the infringement remedies and the right to compensation if the Government uses the invention.

(The House counterpart to this legislation H.R.2610 has not yet moved to the hearing stage.)

S.1306 Patent Term Extension

The bill would extend the patent term for up to seven years to compensate for federal regulatory requirement delays (e.g. FDA, EPA) in marketing a product.

The bill will (as was the case in the 97th Congress) have strong opposition from the generic drug houses and consumer groups.

H.R.3577 would make any unauthorized sale or use in the United States of a product made by a patented process an infringment of the patent.

(Problem is also addressed by S.1841, H.R. 3878 and S.1535.)

(See SUPA Newsletter, Vol. 8, No. 3, September 1983)

S.1841, H.R.3978, H.R.4043 - These bills address antitrust reform with a view toward limiting antitrust liability of joint research and development ventures.

(See SUPA Newsletter Vol. 8, No. 4, December 1983)

S.1271 (Dole) would allow all government contractors regardless of size to retain title to any invention developed as a result of government-funded research and development. The bill also includes some amendments to PL 96-517, the Patent Law Amendments Act of 1980, which gave such right to universities, small business and non-profit organizations, which would eliminate certain licensing restrictions now imposed by the Act.

SUPA plans to go on record favoring this piece of legislation on a joint position paper with COGR and perhaps other university-related organizations.

S.774 Freedom of Information Act reform.

See SUPA Newsletter, Vol. 8, No. 3, September 1983)

S.1201 offers protection for semiconductor chips by extending copyright protection to the imprinted design patterns on semiconductor chips for a period of ten years.

Late in the first session of the 98th Congress, Representative Kastenmeier (D-Wis.) introduced a number of bills dealing with patent issues. These are briefly summarized below.

H.R.4524 would permit a licensed applicant for a foreign patent to pass supplementary information to a foreign country without obtaining subsequent licenses.

H.R.4525 would exclude from the definition of "prior art" any unpublished information developed by applicant or applicant with others or which is known only by virtue of applicant's employment.

H.R.4526 would make importation, sale or use in the United States of a product made in another country by a process patented in the United States an infringment of the patented process. It also provides that a product patent could not be avoided by manufacturing components in this country and shipping abroad for assembly. (See H.R. 3577 Supra.)

H.R.4527 would provide that joint inventors "need not have made a contribution to each claim contained in the application."

H.R.4528 would permit arbitration of the issue of priority of invention in interference situations.

H.R.4529 would permit a patent licensor to receive royalty payments during the time the licensee is challenging the patents validity.

(This bill can be of real value to the unviversity community.)