

111TH CONGRESS
2D SESSION

S. 3089

To require a study and report by the Office of Advocacy of the Small Business Administration regarding the effects of proposed changes in patent law.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2010

Ms. LANDRIEU introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

A BILL

To require a study and report by the Office of Advocacy of the Small Business Administration regarding the effects of proposed changes in patent law.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. STUDY AND REPORT OF PATENT LAW**
4 **CHANGES.**

5 (a) DEFINITIONS.—In this section—

6 (1) the term “Chief Counsel” means the Chief
7 Counsel for Advocacy of the Small Business Admin-
8 istration; and

1 (2) the term “small business concern” has the
2 meaning given that term under section 3 of the
3 Small Business Act (15 U.S.C. 632).

4 (b) STUDY.—

5 (1) IN GENERAL.—The Chief Counsel, in con-
6 sultation with the Director of the United States Pat-
7 ent and Trademark Office, shall conduct a study of
8 the effects of changing from a first-to-invent to a
9 first-to-file invention priority system under patent
10 law under title 35 of the United States Code.

11 (2) AREAS OF STUDY.—The study conducted
12 under paragraph (1) shall include examination of the
13 effects of changing from a first-to-invent to a first-
14 to-file invention priority system, including exam-
15 ining—

16 (A) how the change would affect the ability
17 of small business concerns to obtain patents;

18 (B) whether the change would create or ex-
19 acerbate any disadvantage for applicants for
20 patents that are small business concerns rel-
21 ative to applicants for patents that are not
22 small business concerns; and

23 (C) the costs and benefits to small busi-
24 ness concerns of the change.

1 (c) REPORT.—Not later than 18 months after the
2 date of enactment of this Act, the Chief Counsel shall sub-
3 mit to the Committee on Small Business and Entrepre-
4 neurship and the Committee on the Judiciary of the Sen-
5 ate and the Committee on Small Business and the Com-
6 mittee on the Judiciary of the House of Representatives
7 a report regarding the results of the study under sub-
8 section (b).

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