

Intellectual Property Alert

U.S. Senate Sends Patent Reform Legislation to President Obama

September 9, 2011

On September 8, 2011, the U.S. Senate passed H.R. 1249, the “Leahy-Smith America Invents Act,” by a bi-partisan vote of 89-9. Because the Senate passed the bill in the same form passed by the U.S. House of Representatives in June, without amendment, the bill will now be sent to President Obama. Significantly, the bill transitions the U.S. from a first-to-invent to a *first-inventor-to-file* system and establishes expanded post-grant review procedures. Further, the legislation increases the U.S. Patent and Trademark Office's ability to set the fees it collects from applicants. Provisions related to best mode, false marking, challenging business method patents, the prior use defense and staying civil litigation in limited circumstances are also included in the bill.

A more comprehensive overview of H.R.1249 is detailed in our [previous alert](#). A complete version of H.R. 1249 can be found [here](#). President Obama is expected to sign the bill within the next few days.

Disclosure: Akin Gump Strauss Hauer & Feld LLP represents the Coalition for 21st Century Patent Reform and the Innovation Alliance, both of which have been actively involved in the patent reform debate.

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