

New bill to enhance patent litigation

May 22 2006

To address the growing number of patent disputes, two House representatives introduced Friday a bill to improve patent litigation.

Within this year alone, more small- and mega-technology companies in particular have found themselves in legal battles over patent disputes from from Apple to Research In Motion.

If approved, H.R. 5418, introduced by Reps. Darrell Issa, R-CA, and Adam Schiff, D-CA, would create a pilot program to enhance the expertise of district court judges hearing patent cases.

Specifically, it creates a pilot project in at least five district courts, where judges can opt in to hear patent cases, of which each of the test courts will then be assigned to a clerk with expertise in patent law or with the technical issues arising in patent cases.

It also allocates funding to provide education opportunities for judges in the program.

Moreover, if a judge opts-in to the new program and the patent case is randomly assigned, the judge can keep the case; whereas, if the case is assigned to a judge in a district with the pilot program but who has not opted to hear patent cases, that judge can keep the case or refer it the group of judges part of the program.

The project will last no longer than 10 years, according to the bill.

"Roughly forty percent of all patent case appeals of federal district court decisions are reversed and ultimately decided by the Federal Circuit Court of Appeals," said Rep. Issa in a statement. "This legislation is designed to help courts reduce errors that lead to appeals."

Currently, H.R. 5418 has been referred to the House Judiciary Committee and the Subcommittee on Intellectual Property on which Issa and Schiff sit.

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Citation: New bill to enhance patent litigation (2006, May 22) retrieved 22 September 2024 from <https://phys.org/news/2006-05-bill-patent-litigation.html>

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