

## Calendar No. 6

112TH CONGRESS  
1ST SESSION

# S. 23

To amend title 35, United States Code, to provide for patent reform.

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### IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mr. LEAHY (for himself, Mr. HATCH, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. SESSIONS, Mr. KYL, Mr. LIEBERMAN, Mr. COONS, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

FEBRUARY 3, 2011

Reported by Mr. LEAHY, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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## A BILL

To amend title 35, United States Code, to provide for patent reform.

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. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Patent Reform Act of 2011”.

Canfield Scientific, Inc. - Exhibit 1026 Canfield Scientific, Inc. v. Melanoscan, LLC IPR2017-02125
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1 notice shall list the date on which the review shall com-  
 2 mence.

3 “(d) NO APPEAL.—The determination by the Direc-  
 4 tor whether to institute an inter partes review under this  
 5 section shall be final and nonappealable.

6 **“§ 315. Relation to other proceedings or actions**

7 “(a) INFRINGER’S ACTION.—An inter partes review  
 8 may not be instituted or maintained if the petitioner or  
 9 real party in interest has filed a civil action challenging  
 10 the validity of a claim of the patent.

11 ~~“(b) PATENT OWNER’S ACTION.—An inter partes re-~~  
 12 ~~view may not be instituted if the petition requesting the~~  
 13 ~~proceeding is filed more than 3 months after the date on~~  
 14 ~~which the petitioner, real party in interest, or his privy~~  
 15 ~~is required to respond to a civil action alleging infringe-~~  
 16 ~~ment of the patent.~~

17 *“(b) PATENT OWNER’S ACTION.—An inter partes re-*  
 18 *view may not be instituted if the petition requesting the*  
 19 *proceeding is filed more than 6 months after the date on*  
 20 *which the petitioner, real party in interest, or his privy*  
 21 *is served with a complaint alleging infringement of the pat-*  
 22 *ent. The time limitation set forth in the preceding sentence*  
 23 *shall not apply to a request for joinder under subsection*  
 24 *(c).*