

117TH CONGRESS
1ST SESSION

H. R. 5902

To amend title 35, United States Code, to clarify the relation of Inter Partes Review proceedings and Post-Grant Review proceedings to other administrative proceedings, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2021

Mr. ISSA introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 35, United States Code, to clarify the relation of Inter Partes Review proceedings and Post-Grant Review proceedings to other administrative proceedings, and for other purposes.

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.**

4 This Act may be cited as the “Conducting Legally
5 Efficient Administration and Resolution of Patents Act of
6 2021” or the “CLEAR Patents Act of 2021”.

1 **SEC. 2. RELATION OF INTER PARTES REVIEW PRO-**
2 **CEEDINGS AND POST-GRANT REVIEW PRO-**
3 **CEEDINGS TO OTHER ADMINISTRATIVE PRO-**
4 **CEEDINGS.**

5 (a) IN GENERAL.—Title 35, United States Code, is
6 amended—

7 (1) in section 315, by adding at the end the fol-
8 lowing:

9 “(f) RELATION TO OTHER ADMINISTRATIVE PRO-
10 CEEDINGS.—If the Director institutes an inter partes re-
11 view of a patent, any proceeding before a Federal agency
12 (as that term is defined in section 201) that would be ma-
13 terially affected by one or more of the claims of the patent
14 being cancelled under such review shall be stayed until a
15 final written decision by the Board is issued under such
16 review or such review is otherwise terminated.”; and

17 (2) in section 325, by adding at the end the fol-
18 lowing:

19 “(f) RELATION TO OTHER ADMINISTRATIVE PRO-
20 CEEDINGS.—If the Director institutes a post-grant review
21 of a patent, any proceeding before a Federal agency (as
22 that term is defined in section 201) that would be materi-
23 ally affected by one or more of the claims of the patent
24 being cancelled shall be stayed until a final written deci-
25 sion by the Board is issued under such review or such re-
26 view is otherwise terminated.”.

1 (b) APPLICATION.—This section, and the amend-
2 ments made by this section, shall apply with respect to—

3 (1) an inter partes review proceeding or post-
4 grant review proceeding initiated on or after the
5 date of the enactment of this Act; and

6 (2) a proceeding before a Federal agency initi-
7 ated on or after the date that is 6 months before the
8 date of the enactment of this Act.

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