

THE LEAHY-SMITH AMERICA INVENTS ACT

PROMOTING AMERICAN INNOVATION, CREATING AMERICAN JOBS, GROWING AMERICA'S ECONOMY

Patent Reform, Economic Growth, and Job Creation

The Leahy-Smith America Invents Act will spur economic growth, which in turn creates jobs.

The Leahy-Smith America Invents Act makes important changes to the nation's patent system that will help spur economic growth and ultimately create jobs.

- The Leahy-Smith America Invents Act will provide the U.S. Patent and Trademark Office with the resources it needs to **reduce the backlog of nearly 700,000 patent applications**, which will in turn encourage the innovation that will create and protect American jobs.
- **The Leahy-Smith America Invents Act makes important changes to streamline patent review.** The bill will raise slightly the threshold for instituting an inter partes review to a "reasonable likelihood"; it will create additional safeguards to prevent a challenger from using the administrative process to harass patent owners; and it will prevent a challenger from raising in court an argument that could have been raised during an inter partes review instituted by the challenger.
- **The Leahy-Smith America Invents Act will provide fee reductions in patent applications for small businesses, including a new "micro-entity" designation** for truly small and independent inventors, to encourage innovation and allow small businesses to direct resources to growing their businesses and creating jobs.

The Leahy-Smith America Invents Act will improve patent quality.

Higher quality patents incentivize investment in technological advances by providing greater confidence in the overall patent system, better enabling businesses to commercialize their inventions and create jobs.

- The Leahy-Smith America Invents Act will **allow a third party to include relevant information about its prior art submission** to a patent examiner.
- The Leahy-Smith America Invents Act will create a new, **first-window post-grant opposition**, open for nine months, to weed out patents that should not have been issued and which therefore impede innovation.
- The Leahy-Smith America Invents Act will **provide fee setting authority to the USPTO** in order to reduce the backlog in patent applications.

Labor Support for The Leahy-Smith America Invents Act

The **United Steelworkers**, with more than 1.2 million active and retired members, has endorsed the Leahy-Smith America Invents Act, urging the Senate to support the bill:

*"Over the past several years, the USW has been deeply involved in discussions concerning comprehensive patent reform...H.R. 1249 goes a long way toward balancing different interests on a very difficult and contentious issue. **We believe it warrants your favorable consideration and enactment by the Senate so that it can be moved to the President's desk and signed into law without undue delay.**" – Leo W. Gerard, International President, United Steelworkers, July 15, 2011*