

House Reps. Float Bill To Limit Patent Invalidations

By [Andrew Karpan](#) · [Listen to article](#)

Law360 (September 11, 2024, 12:52 PM EDT) -- A bipartisan bill that would reset patent eligibility standards has been introduced in the [U.S. House of Representatives](#), over a year after a similar Senate bill was put forward that drew opposition from much of the tech and retail industry.

Reps. Kevin Kiley and Scott Peters — a Republican and Democrat from California, respectively — introduced the [Patent Eligibility Restoration Act](#) on Friday, which would undo a decade of legal precedent surrounding how courts decide which ideas aren't eligible for patent protection. The legislative effort kicked off about [14 months ago](#) when a bipartisan pair of senators introduced a bill of the same name in that chamber.

With a few exceptions, both bills would allow any "useful process, machine, manufacture, or composition of matter, or any useful improvement" to be patent eligible. In the place of the last decade of [U.S. Supreme Court](#) rulings on the subject of patent eligibility, both bills would instead bar patents for "a process that is substantially economic, financial, business, social, cultural, or artistic," unless "the process cannot practically be performed without the use of a machine or manufacture."

"The U.S. has one of the most restrictive patent systems in the world due to confusing rulings from the Supreme Court," Kiley said in a statement Friday.

Peters said in his own statement that the "Supreme Court has created confusion about what exactly is eligible for a patent."

One of the last times Peters, a Democrat from San Diego, had put forward a statement on patent policy was in 2015, when he joined a group of lawmakers to oppose various amendments to a different patent reform bill, called the Innovation Act. That bill [never made it to the floor](#) for a vote.

As for the Senate bill, there's been little movement since the Senate Judiciary Committee's IP subcommittee heard [some debate](#) over it in January. In the time since, companies including [Amazon](#), [Google](#), Meta, [Walmart](#) and Domino's have all lined up against the bill, warning that letting more patents pass through the courts would lead to a coming "[wave of crippling litigation](#)."

The [Council for Innovation Promotion](#), a major lobbying shop supporting the legislation, told Law360 on Monday it had no updates about the Senate bill's prospects.

"Regarding the bills, we are not aware of any differences between the two," spokeswoman Morgan Miller said.

— Additional reporting by Dani Kass.