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Patent Reform: A Legislative History of the Leahy-Smith America Invents Act

Edited by William H. Manz

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What is the Patent Reform Act? The Leahy-Smith America Invents Act (also known as the Patent Reform Act of 2011) makes the most significant changes to U.S. patent law since 1952. Among the changes made by the Act, the most significant and controversial is the switch in patent priority from “first to invent” to “first to file.” This change grants a patent to the first person to file a patent application, regardless of the actual date of the invention.

What does this legislative history include? The historical 5-volume set includes the text of the Act, all bill versions and mark-ups, related bills, relevant reports and hearings, House and Senate debates, presidential remarks, and Congressional Budget Office reports.

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The reform made the most significant changes to U.S. patent law since 1952, including:

- Modifications to the definition of “prior art” and the revamping and expansion of opposition procedures.
- Tax strategies as they relate to inventions.
- Elimination of “false marking” lawsuits except for those brought by the federal government or competitors who can prove injury.
- Allowing applications by other parties on behalf of an inventor.
- Allowing easier substitutions of an inventor’s oath.
- Exclusion of a failure to file a “best mode” as a grounds for invalidating a patent.
- Requiring the Small Business Administration to file a report within one year that documents the effects on small business of the “first to file” rule.

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