

114TH CONGRESS
1ST SESSION

H. R. 2370

To amend title 35, United States Code, to require disclosure of ownership and transfers of ownership of patents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2015

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

A BILL

To amend title 35, United States Code, to require disclosure of ownership and transfers of ownership of patents, 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 “End Anonymous Pat-
5 ents Act”.

6 **SEC. 2. DISCLOSURE OF OWNERSHIP OF PATENTS.**

7 (a) DISCLOSURE OF OWNERSHIP OF PATENTS.—Sec-
8 tion 261 of title 35, United States Code, is amended—

1 (1) in the first paragraph, by striking “Sub-
2 ject” and inserting “(a) PERSONAL PROPERTY.—
3 Subject”;

4 (2) in the second paragraph, by striking “Appli-
5 cations” and inserting “(b) ASSIGNMENT.—Applica-
6 tions”;

7 (3) in the third paragraph, by striking “A cer-
8 tificate” and inserting “(c) EVIDENCE OF EXECU-
9 TION OF TRANSFER.—A certificate”;

10 (4) In the fourth paragraph, by striking “An
11 assignment” and inserting “(d) NOTICE OR REC-
12 ORDATION REQUIRED.—An assignment”; and

13 (5) by adding at the end the following:

14 “(e) DISCLOSURES OF OWNERSHIP.—

15 “(1) NEW PATENTS.—Upon the issuance of a
16 patent under this title, the entity to which the pat-
17 ent is issued shall file with the Office a disclosure
18 of the owner of the patent and any real party in in-
19 terest in the patent.

20 “(2) PAYMENT OF MAINTENANCE FEES.—Upon
21 the payment of the maintenance fee required under
22 section 41(b), the owner of the patent shall file with
23 the Office a disclosure of the identity of the owner
24 of the patent and any real party in interest in the
25 patent.

1 “(3) NOTICE OF TRANSFER OF OWNERSHIP.—
2 Whenever any patent, any application for patent, or
3 any interest therein, is sold, granted, or conveyed,
4 the entity to which the patent, application, or inter-
5 est is sold, granted, or conveyed shall, within 90
6 days after the date of the sale, grant, or conveyance,
7 file with the Office a disclosure of the sale, grant,
8 or conveyance, and any real party in interest in the
9 patent, application, or interest.

10 “(4) FORM AND MANNER OF DISCLOSURES.—
11 The Director shall prescribe by regulation the form
12 and manner in which disclosures are to be made
13 under paragraphs (1), (2), and (3). The Director
14 shall include, among the real parties in interest, for
15 purposes of such disclosures—

16 “(A) any entity that has the legal right to
17 enforce the patent through an infringement ac-
18 tion;

19 “(B) any ultimate parent entity of an enti-
20 ty described in subparagraph (A); and

21 “(C) any entity that has a controlling in-
22 terest in the enforcement of the patent, includ-
23 ing any ultimate parent entity not included
24 under subparagraph (A) or (B).

1 “(5) LIMITATION ON DAMAGES.—Any entity
2 that fails to comply with any of the requirements
3 under this subsection with respect to a patent or ap-
4 plication for patent may, in any action brought by
5 the person or entity for infringement of the patent,
6 only collect damages from the date on which such
7 requirement is met. The Director shall by regulation
8 specify what constitutes noncompliance for purposes
9 of this paragraph.

10 “(6) DEFINITION.—In this subsection, the term
11 ‘ultimate parent entity’ means an entity that is not
12 controlled by any other entity.”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect upon the expiration of the
15 180-day period beginning on the date of the enactment
16 of this Act.

○