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(Original Signature of Member)

109TH CONGRESS
1ST SESSION

H. R. _____

To establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

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. PILOT PROGRAM IN CERTAIN DISTRICT**
4 **COURTS.**

5 (a) ESTABLISHMENT.—



1 (1) IN GENERAL.—There is established a pro-
2 gram, in each of the United States district courts
3 designated under subsection (b), under which—

4 (A) those district judges of that district
5 court who request to hear cases under which
6 one or more issues arising under any Act of
7 Congress relating to patents or plant variety
8 protection must be decided, are designated by
9 the chief judge of the court to hear those cases;

10 (B) cases described in subparagraph (A)
11 are randomly assigned to the judges of the dis-
12 trict court, regardless of whether the judges are
13 designated under subparagraph (A);

14 (C) a judge not designated under subpara-
15 graph (A) to whom a case is assigned under
16 subparagraph (B) may decline to accept the
17 case; and

18 (D) a case declined under subparagraph
19 (C) is randomly reassigned to one of those
20 judges of the court designated under subpara-
21 graph (A).

22 (2) SENIOR JUDGES.—Senior judges of a dis-
23 trict court may be designated under paragraph
24 (1)(A) if at least one judge of the court in regular
25 active service is also so designated.



1 (b) DESIGNATION.—The Director of the Administra-
2 tive Office of the United States Courts shall, not later
3 than 6 months after the date of the enactment of this Act,
4 designate not less than 5 United States district courts,
5 in at least 3 different judicial circuits, in which the pro-
6 gram established under subsection (a) will be carried out.
7 The Director shall make such designation from among the
8 15 district courts in which the largest number of patent
9 and plant variety protection cases were filed in the most
10 recent calendar year that has ended.

11 (c) DURATION.—The program established under sub-
12 section (a) shall terminate 5 years after the end of the
13 6-month period described in subsection (b).

14 (d) APPLICABILITY.—The program established under
15 subsection (a) shall apply in a district court designated
16 under subsection (b) only to cases commenced on or after
17 the date of such designation.

18 (e) REPORTING TO CONGRESS.—

19 (1) IN GENERAL.—Not later than 3 months
20 after the end of the 5-year period referred to in sub-
21 section (c), the Director of the Administrative Office
22 of the United States Courts, in consultation with the
23 chief judge of each of the district courts designated
24 under subsection (b), shall submit to the Committee
25 on the Judiciary of the House of Representatives



1 and the Committee on the Judiciary of the Senate
2 a report on the pilot program established under sub-
3 section (a). The report shall include an analysis of—

4 (A) the extent to which the program has
5 succeeded in developing expertise in patent and
6 plant variety protection cases among the dis-
7 trict judges of the district courts so designated;

8 (B) the extent to which the program has
9 improved the efficiency of the courts involved by
10 reason of such expertise; and

11 (C) whether the pilot program should be
12 extended to other district courts, or should be
13 made permanent and apply to all district
14 courts.

15 (2) PERIODIC REPORTING.—The Director of the
16 Administrative Office of the United States Courts,
17 in consultation with the chief judge of each of the
18 district courts designated under subsection (b), shall
19 keep the committees referred to in paragraph (1) in-
20 formed, on a periodic basis while the pilot program
21 is in effect, with respect to the matters referred to
22 in subparagraphs (A), (B), and (C) of paragraph
23 (1).

24 (f) AUTHORIZATION FOR TRAINING AND CLERK-
25 SHIPS.—In addition to any other funds made available to



1 carry out this section, there is authorized to be appro-
2 priated not less than \$2,000,000 in each fiscal year for—

3 (1) educational and professional development of
4 those district judges designated under subsection
5 (a)(1)(A) in matters relating to patents and plant
6 variety protection; and

7 (2) compensation of law clerks with expertise in
8 technical matters arising in patent and plant variety
9 protection cases, to be appointed by the courts des-
10 igned under subsection (b) to assist those courts
11 in such cases.

12 Amounts made available pursuant to this subsection shall
13 remain available until expended.

