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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 (for himself and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on _____

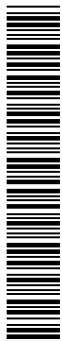
A BILL

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 (3) RIGHT TO TRANSFER CASES PRESERVED.—

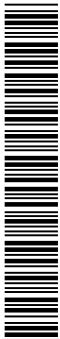
2 This section shall not be construed to limit the abil-
3 ity of a judge to request the reassignment of or oth-
4 erwise transfer a case to which the judge is assigned
5 under this section, in accordance with otherwise ap-
6 plicable rules of the court.

7 (b) DESIGNATION.—The Director of the Administra-
8 tive Office of the United States Courts shall, not later
9 than 6 months after the date of the enactment of this Act,
10 designate not less than 5 United States district courts,
11 in at least 3 different judicial circuits, in which the pro-
12 gram established under subsection (a) will be carried out.
13 The Director shall make such designation from among the
14 15 district courts in which the largest number of patent
15 and plant variety protection cases were filed in the most
16 recent calendar year that has ended.

17 (c) DURATION.—The program established under sub-
18 section (a) shall terminate 10 years after the end of the
19 6-month period described in subsection (b).

20 (d) APPLICABILITY.—The program established under
21 subsection (a) shall apply in a district court designated
22 under subsection (b) only to cases commenced on or after
23 the date of such designation.

24 (e) REPORTING TO CONGRESS.—



1 (1) IN GENERAL.—At the times specified in
2 paragraph (2), the Director of the Administrative
3 Office of the United States Courts, in consultation
4 with the chief judge of each of the district courts
5 designated under subsection (b), shall submit to the
6 Committee on the Judiciary of the House of Rep-
7 resentatives and the Committee on the Judiciary of
8 the Senate a report on the pilot program established
9 under subsection (a). The report shall include an
10 analysis of—

11 (A) the extent to which the program has
12 succeeded in developing expertise in patent and
13 plant variety protection cases among the dis-
14 trict judges of the district courts so designated;

15 (B) the extent to which the program has
16 improved the efficiency of the courts involved by
17 reason of such expertise; and

18 (C) whether the pilot program should be
19 extended to other district courts, or should be
20 made permanent and apply to all district
21 courts.

22 (2) TIMETABLE FOR REPORTS.—The times re-
23 ferred to in paragraph (1) are—



1 (A) not later than the date that is 5 years
2 and 3 months after the end of the 6-month pe-
3 riod described in subsection (b); and

4 (B) not later than 5 years after the date
5 described in subparagraph (A).

6 (3) PERIODIC REPORTING.—The Director of the
7 Administrative Office of the United States Courts,
8 in consultation with the chief judge of each of the
9 district courts designated under subsection (b), shall
10 keep the committees referred to in paragraph (1) in-
11 formed, on a periodic basis while the pilot program
12 is in effect, with respect to the matters referred to
13 in subparagraphs (A), (B), and (C) of paragraph
14 (1).

15 (f) AUTHORIZATION FOR TRAINING AND CLERK-
16 SHIPS.—In addition to any other funds made available to
17 carry out this section, there is authorized to be appro-
18 priated not less than \$5,000,000 in each fiscal year for—

19 (1) educational and professional development of
20 those district judges designated under subsection
21 (a)(1)(A) in matters relating to patents and plant
22 variety protection; and

23 (2) compensation of law clerks with expertise in
24 technical matters arising in patent and plant variety
25 protection cases, to be appointed by the courts des-



- 1 ignated under subsection (b) to assist those courts
- 2 in such cases.
- 3 Amounts made available pursuant to this subsection shall
- 4 remain available until expended.

