

118TH CONGRESS  
2D SESSION

# H. R. 8132

To amend title 35, United States Code, require a patent owner to consent to the filing of a petition for inter partes review or post-grant review, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2024

Ms. KAPTUR (for herself and Mr. MASSIE) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 35, United States Code, require a patent owner to consent to the filing of a petition for inter partes review or post-grant review, 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 “Balancing Incentives  
5 Act of 2024”.

1 **SEC. 2. REQUIREMENT FOR PATENT OWNER TO CONSENT**  
2 **TO THE FILING OF PETITION FOR INTER**  
3 **PARTES REVIEW OR POST-GRANT REVIEW.**

4 Title 35, United States Code, is amended—

5 (1) in section 312(a)—

6 (A) in paragraph (4), by striking “; and”  
7 and inserting a semicolon;

8 (B) in paragraph (5), by striking the pe-  
9 riod at the end and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(6) the owner of the patent consents to the fil-  
12 ing of the petition.”; and

13 (2) in section 322(a)—

14 (A) in paragraph (4), by striking “; and”  
15 and inserting a semicolon; and

16 (B) in paragraph (5), by striking the pe-  
17 riod at the end and inserting “; and”; and

18 (C) by adding at the end the following:

19 “(6) the owner of the patent consents to the fil-  
20 ing of the petition.”.

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