

Proposed Amendments to 35 U.S.C. § 314(a)
(Relating to Limitations on Other Proceedings)

35 U.S.C. 314 INSTITUTION OF INTER PARTES REVIEW

(a) THRESHOLD.—

(1) LIKELIHOOD OF PREVAILING.—Subject to paragraph (2), ~~the~~ The Director may shall not authorize an inter partes review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

(2) PREVIOUS INSTITUTION.—The Director shall not authorize an inter partes review to be instituted on a claim challenged in a petition if the Director has previously instituted an inter partes review or post-grant review with respect to that claim.