115TH CONGRESS
1ST SESSION

S.

To abrogate the sovereign immunity of Indian tribes as a defense in inter partes review of patents.

IN THE SENATE OF THE UNITED STATES

Mrs. McCaskill introduced the following bill; which was read twice and referred to the Committee on ______________________

A BILL

To abrogate the sovereign immunity of Indian tribes as a defense in inter partes review of patents.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. ABROGATION OF TRIBAL IMMUNITY IN CERTAIN PATENT CLAIMS.

(a) DEFINITION.—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

(b) ABROGATION OF IMMUNITY FOR PURPOSES OF INTER PARTES REVIEW.—Notwithstanding any other provision of law, an Indian tribe may not assert sovereign
immunity as a defense in a review that is conducted under chapter 31 of title 35, United States Code.