

115TH CONGRESS  
1ST SESSION

# S. 1948

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

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IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2017

Mrs. MCCASKILL introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

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

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. ABROGATION OF TRIBAL IMMUNITY IN CER-**  
4 **TAIN PATENT CLAIMS.**

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

8 (b) ABROGATION OF IMMUNITY FOR PURPOSES OF  
9 INTER PARTES REVIEW.—Notwithstanding any other pro-  
10 vision of law, an Indian tribe may not assert sovereign

- 1 immunity as a defense in a review that is conducted under
- 2 chapter 31 of title 35, United States Code.

