

Union Calendar No. 64

107TH CONGRESS
1ST SESSION

H. R. 1866

[Report No. 107-120]

To amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2001

Mr. COBLE introduced the following bill; which was referred to the Committee on the Judiciary

JUNE 28, 2001

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents.

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

1 **SECTION 1. DETERMINATION OF SUBSTANTIAL NEW QUES-**
2 **TION OF PATENTABILITY IN REEXAMINATION**
3 **PROCEEDINGS.**

4 Sections 303(a) and 313(a) title 35, United States
5 Code, are each amended by adding at the end the fol-
6 lowing: “The existence of a substantial new question of
7 patentability is not precluded by the fact that a patent
8 or printed publication was previously cited by or to the
9 Office.”.

10 **SEC. 2. EFFECTIVE DATE.**

11 The amendment made by this Act shall apply with
12 respect to determinations of the Director of the United
13 States Patent and Trademark Office that are made under
14 section 303(a) or 313(a) of title 35, United States Code,
15 on and after the date of the enactment of this Act.

16 **SECTION 1. DETERMINATION OF SUBSTANTIAL NEW QUES-**
17 **TION OF PATENTABILITY IN REEXAMINATION**
18 **PROCEEDINGS.**

19 *Sections 303(a) and 312(a) of title 35, United States*
20 *Code, are each amended by adding at the end the following:*
21 *“The existence of a substantial new question of patent-*
22 *ability is not precluded by the fact that a patent or printed*
23 *publication was previously cited by or to the Office or con-*
24 *sidered by the Office.”.*

1 **SEC. 2. EFFECTIVE DATE.**

2 *The amendments made by this Act shall apply with*
3 *respect to any determination of the Director of the United*
4 *States Patent and Trademark Office that is made under*
5 *section 303(a) or 312(a) of title 35, United States Code,*
6 *on or after the date of the enactment of this Act.*

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