

Calendar No. 428

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 1886**

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2001

Received; read twice and referred to the Committee on the Judiciary

JUNE 20, 2002

Reported by Mr. LEAHY, without amendment

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**AN ACT**

To amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings.

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. APPEALS IN INTER PARTES REEXAMINATION**  
2 **PROCEEDINGS.**

3 (a) APPEALS BY THIRD-PARTY REQUESTER IN PRO-  
4 CEEDINGS.—Section 315(b) of title 35, United States  
5 Code, is amended to read as follows:

6 “(b) THIRD-PARTY REQUESTER.—A third-party  
7 requester—

8 “(1) may appeal under the provisions of section  
9 134, and may appeal under the provisions of sec-  
10 tions 141 through 144, with respect to any final de-  
11 cision favorable to the patentability of any original  
12 or proposed amended or new claim of the patent;  
13 and

14 “(2) may, subject to subsection (c), be a party  
15 to any appeal taken by the patent owner under the  
16 provisions of section 134 or sections 141 through  
17 144.”.

18 (b) APPEAL TO BOARD OF PATENT APPEALS AND  
19 INTERFERENCES.—Section 134(c) of title 35, United  
20 States Code, is amended by striking the last sentence.

21 (c) APPEAL TO COURT OF APPEALS FOR THE FED-  
22 ERAL CIRCUIT.—Section 141 of title 35, United States  
23 Code, is amended in the third sentence by inserting “, or  
24 a third-party requester in an inter partes reexamination  
25 proceeding, who is” after “patent owner”.

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

2       The amendments made by this Act apply with respect  
3 to any reexamination proceeding commenced on or after  
4 the date of the enactment of this Act.

      Passed the House of Representatives September 5,  
2001.

Attest:

JEFF TRANDAHL,

*Clerk.*

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