

108TH CONGRESS
1ST SESSION

H. R. 242

To make technical corrections in patent law.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2003

Mr. ISSA (for himself, Mr. FARR, Mr. NETHERCUTT, and Mr. MEEHAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To make technical corrections in patent law.

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. SHORT TITLE.**

4 This Act may be cited as the “Plant Breeders Equity
5 Act of 2003”.

6 **SEC. 2. AMENDMENTS TO TITLE 35, UNITED STATES CODE.**

7 (a) **HEADING.**—The heading of section 162 of title
8 35, United States Code, is amended to read as follows:

1 **“§ 162. Description, claim, novelty”.**

2 (b) NOVELTY.—Section 162 of title 35, United States
3 Code, is amended by adding at the end the following new
4 paragraph:

5 “No plant patent application shall be denied, nor
6 shall any issued plant patent be invalidated, on the
7 grounds that the invention was described in a printed pub-
8 lication to which section 102(b) of this title applies, unless
9 the invention was described in a printed publication in this
10 or a foreign country more than ten years prior to the date
11 of the application for patent in the United States.”.

12 (c) CONFORMING AMENDMENT.—The item relating
13 to section 162 in the table of sections for chapter 15 of
14 title 35, United States Code, is amended to read as fol-
15 lows:

“162. Description, claim, novelty.”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on the date of the enactment
18 of this Act and shall apply to any application for a plant
19 patent that is filed on or after that date, or is pending
20 on that date, and to any patent in force on that date.

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