

104TH CONGRESS
1ST SESSION

H. R. 359

To restore the term of patents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. ROHRBACHER (for himself, Ms. KAPTUR, Mr. BROWN of California, Mr. WALKER, Mr. SENSENBRENNER, Mr. GALLEGLY, Mr. BONO, Mr. KENNEDY of Massachusetts, Mr. BOEHNER, Mr. DELAY, Mr. SOLOMON, Mr. PAXON, Mr. COX, Mr. STEARNS, Mr. CALVERT, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mr. DOOLITTLE, Mr. BAKER of California, Mr. POMBO, Mr. ISTOOK, Mr. ROTH, Mr. FUNDERBURK, Mr. BUNNING of Kentucky, Mr. PACKARD, Mrs. VUCANOVICH, Mr. BILBRAY, Mr. MCKEON, Mr. MCINTOSH, Mr. METCALF, Mr. CUNNINGHAM, Mr. CHRISTENSON, Mr. DUNCAN, Mr. ROGERS, Mr. WALSH, Mr. KIM, Mr. BLUTE, Mr. RADANOVICH, Mr. ROYCE, Mr. FRANK of Massachusetts, Mr. BREWSTER, Mr. FRISA, Mr. DORNAN, Mr. TRAFICANT, Mrs. MORELLA, Mr. KLINK, Mr. SCHIFF, Mr. HUNTER, Mr. EHRLICH, Mr. BROWN of Ohio, Mr. DEFazio, Mr. FORBES, Mr. NADLER, Mr. FILNER, Mr. LUCAS, and Mr. MORAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To restore the term of patents, and for other purposes.

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. PATENT TERMS.**

4 (a) AMENDMENT.—Effective on the date of the en-
5 actment of this Act, section 154 of title 5, United States

1 Code, as amended by the Uruguay Round Agreements
2 Act, is amended—

3 (1) in paragraph (2) of subsection (a), by strik-
4 ing “and ending” and all that follows in that para-
5 graph and inserting “and ending—

6 “(A) 17 years from the date of the grant
7 of the patent, or

8 “(B) 20 years from the date on which the
9 application for the patent was filed in the Unit-
10 ed States, except that if the application con-
11 tains a specific reference to an earlier filed ap-
12 plication or applications under section 120,
13 121, or 365(c) of this title, 20 years from the
14 date on which the earliest such patent applica-
15 tion was filed,

16 whichever is later.”;

17 (2) by amending subsection (b) to read as fol-
18 lows:

19 “(b) PATENT DISCLOSURE.—In the event that a con-
20 tinuing patent application is filed that claims the benefit
21 of the filing date of a prior application that was filed more
22 than 60 months earlier, notices of the original patent ap-
23 plication and of the continuing patent application shall be
24 published and the public shall be permitted to inspect and

1 copy the original patent application and the continuing
2 patent application.”; and

3 (3) in subsection (c)(1), by striking “shall be
4 the greater of the 20-year term as provided in sub-
5 section (a), or 17 years from grant” and inserting
6 “shall be the term provided in subsection (a)”.

7 (b) TECHNICAL AMENDMENT.—Section 534(b) of the
8 Uruguay Round Agreements Act is amended by striking
9 paragraph (3).

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