

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

S. 515

To amend title 35, United States Code, to provide for patent reform.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. LEAHY

Viz:

1 On page 2, line 14, strike “the claim” and insert “a
2 claim”.

3 On page 3, strike lines 6 through 9.

4 On page 5, strike lines 6 through 12, and insert the
5 following:

6 “(B) the subject matter had been publicly
7 disclosed before the effective filing date of the
8 application or patent set forth under subsection

1 (a)(2) by the inventor or a joint inventor, or by
2 others who obtained the subject matter dis-
3 closed, directly or indirectly, from the inventor
4 or joint inventor; or”.

5 On page 6, line 1, strike “the claimed invention was”
6 and insert “the subject matter and the claimed invention
7 were”.

8 On page 11, line 22, strike “section 101” and insert
9 “section 102(a)”.

10 On page 12, line 2, insert “instituted by the Direc-
11 tor” before “under this subsection”.

12 On page 12, strike lines 4 through 5, and insert the
13 following:

14 “(A) shall determine which applicant or
15 patent owner is entitled to a patent on the
16 claimed invention that is the subject of the re-
17 quest;”.

18 On page 12, lines 14 and 15, strike “that filed the
19 earlier application” and insert “whose application has the
20 earlier effective filing date”.

1 On page 16, lines 4 and 5, strike “(commenced before
2 the date of enactment of the Patent Reform Act of
3 2009)”.

4 On page 17, line 11, strike “363” and all that follows
5 through “by that inventor” on line 13, and insert “371
6 (including an application under section 111 that is filed
7 by an inventor for an invention for which an application
8 has previously been filed under this title by that inven-
9 tor)”.

10 On page 23, line 21, strike “specifications” and in-
11 sert “specification”.

12 On page 23, lines 22 and 23, strike “specifications”
13 and insert “specification”.

14 On page 33, between lines 7 and 8, insert the fol-
15 lowing:

16 (e) VIRTUAL MARKING.—Section 287(a) of title 35,
17 United States Code, is amended by inserting “, or by fix-
18 ing thereon the word ‘patent’ or the abbreviation ‘pat.’ to-
19 gether with an address of a posting on the Internet, acces-
20 sible to the public without charge for accessing the ad-

1 dress, that associates the patented article with the number
2 of the patent” before “, or when”.

3 On page 33, line 18, insert “effective filing” before
4 “date”.

5 On page 34, lines 7 and 8, strike “ or documentary
6 evidence (as the case may be)”.

7 On page 35, strike lines 8 through 14.

8 On page 35, line 15, strike “(c)” and insert “(b)”.

9 On page 36, strike lines 7 through 14.

10 On page 36, line 15, strike “(e)” and insert “(e)”.

11 On page 37, line 14, strike “(f)” and insert “(d)”.

12 On page 37, line 17, strike “(g)” and insert “(e)”.

13 On page 38, line 1, strike “(h)” and insert “(f)”.

1 On page 38, lines 12 and 13, strike “paragraph (2)
2 or (3) of section 282(b)” and insert “section 282”.

3 On page 39, line 2, insert “by the Director” after
4 “instituted”.

5 On page 39, line 4, insert “. Such proceeding may
6 be instituted” after “section 321”.

7 On page 40, line 24, strike “initiate” and insert “in-
8 stitute”.

9 On page 43, line 18, strike “authorized” and insert
10 “instituted”.

11 On page 47, strike “section 3(k)” and insert “section
12 5(k)”.

13 On page 50, line 3, strike “(i)” and insert “(g)”.

14 On page 50, line 6, strike “(j)” and insert “(h)”.

15 On page 50, line 10, strike “(k)” and insert “(i)”.

1 On page 50, line 24, strike “(h) and (i)” and insert
2 “(f) and (g)”.

3 On page 51, line 1, strike “(l)” and insert “(j)”.

4 On page 51, line 7, strike “(h)” and insert “(f)”.

5 On page 51, line 12, strike “amended” and all that
6 follows through line 15, and insert the following: “amend-
7 ed by adding at the end the following:”

8 On page 51, line 18, strike “31” and insert “32”.

9 On page 52, line 18, strike “of examiners”.

10 On page 52, line 24, strike “Each appeal and deriva-
11 tion proceeding” and insert “Each appeal, derivation, and
12 post-grant review proceeding”.

13 On page 61, lines 18 and 19, strike “fiscal years
14 2005, 2006 and 2007” and insert “2005 and 2006”.

1 On page 61, line 25 through page 62, line 1, strike
2 “fiscal years 2005, 2006 and 2007” and insert “2005 and
3 2006”.

4 On page 62, line 9, strike “fiscal year 2005, 2006
5 and 2007” and insert “fiscal year 2005 and fiscal year
6 2006”.

7 On page 62, between lines 9 and 10, insert the fol-
8 lowing:

9 (e) STATUTORY AUTHORITY.—Section 41(d)(1)(A) of
10 title 35, United States Code, is amended by striking “,
11 and the Director may not increase any such fee there-
12 after”.

13 On page 62, line 10, strike “(e)” and insert “(f)”.

14 On page 62, line 16, strike “(f)” and insert “(g)”.

15 On page 64, line 13, strike “subsections” and insert
16 “subsection”.