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109 Stat. 351 1 1995

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102D CONGRESS
1ST SESSION

# H. R. 1417

To amend title 35, United States Code, with respect to patents on certain processes.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 1991

Mr. BOUCHER (for himself, Mr. MOORHEAD, Mr. DWYER of New Jersey, Mr. COBLE, Ms. KAPTUR, Mr. GALLEGLY, Mr. MILLER of Washington, Mr. DELUGO, Mr. STENHOLM, Mr. TOWNS, Mrs. MORELLA, Mr. FISH, Mr. CAMPBELL of California, Mr. ANDREWS of Texas, Mr. LAGOMARSINO, Mr. BRUCE, Mr. MCCLOSKEY, Mr. DICKS, Mr. LIPINSKI, Mr. MCCOLLUM, and Mr. JEFFERSON) introduced the following bill; which was referred to the Committee on the Judiciary

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# A BILL

To amend title 35, United States Code, with respect to patents on certain processes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Biotechnology Patent Protection Act of 1991".

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**SEC. 2. PATENTABILITY OF CERTAIN PROCESSES.**

Section 103 of title 35, United States Code, is amended by adding at the end the following new paragraph:

"When a process of making or using a machine, manufacture, or composition of matter is sought to be patented in the same application as such machine, manufacture, or composition of matter, such process shall not be considered as obvious under this section if such machine, manufacture, or composition of matter is novel under section 102 and nonobvious under this section. If the patentability of such process depends upon such machine, manufacture, or composition of matter, then a single patent shall issue on the application.".

**SEC. 3. EFFECTIVE DATE.**

The amendment made by section 2 shall apply to all United States patents granted on or after the date of the enactment of this Act and to all applications for United States patents pending on or filed after such date of enactment, including any application for the reissuance of a patent.

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