98TH CONGRESS
1ST SESSION

H. R. 4528

To amend title 35, United States Code, to provide for arbitration of patent interferences.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 1983

Mr. KASTENMEIER 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, to provide for arbitration of patent interferences.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 135 of title 35, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Parties to a patent interference may determine issues arising from such patent interference by arbitration. Any such arbitration shall be governed by the provisions of title 9. The parties shall give notice of any arbitration award to the Commissioner, and such award shall, with respect to the parties, be dispositive of the issues determined by the

arbitration. The arbitration award shall be unenforceable until such notice is given. Nothing in this subsection shall preclude the Commissioner from determining patentability.".

SEC. 2. Section 135(c) of title 35, United States Code, is amended—

(1) in the third sentence by inserting before "shall render" the following: ", unless such failure was through error and without deceptive intent,";

(2) in the fourth sentence by striking out "during the six-month period"; and

(3) in the second paragraph by striking out "within the six-month period" in the second sentence.

SEC. 3. The amendments made by this Act shall apply to any unexpired United States patent granted before the date of the enactment of this Act and to any United States patent granted on or after such date.

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