

**AMENDMENT TO H.R. 1249, AS REPORTED  
OFFERED BY MR. CONYERS OF MICHIGAN AND  
MR. ROHRBACHER OF CALIFORNIA**

Page 24, strike line 3 and all that follows through page 25, line 12, and insert the following:

1       (n) EFFECTIVE DATE.—

2           (1) IN GENERAL.—The amendments made by  
3       this section—

4           (A) shall take effect 90 days after the date  
5       on which the President issues an Executive  
6       order containing the President’s finding that  
7       major patenting authorities have adopted a  
8       grace period having substantially the same ef-  
9       fect as that contained under the amendments  
10      made by this section; and

11          (B) shall apply to all applications for pat-  
12      ent that are filed on or after the effective date  
13      under subparagraph (A).

14          (2) DEFINITIONS.—In this subsection:

15           (A) MAJOR PATENTING AUTHORITIES.—  
16      The term “major patenting authorities” means  
17      at least the patenting authorities in Europe and  
18      Japan.

1           (B) GRACE PERIOD.—The term “grace pe-  
2           riod” means the 1-year period ending on the ef-  
3           fective filing date of a claimed invention, during  
4           which disclosures of the subject matter by the  
5           inventor or a joint inventor, or by others who  
6           obtained the subject matter disclosed directly or  
7           indirectly from the inventor or a joint inventor,  
8           do not qualify as prior art to the claimed inven-  
9           tion.

10           (C) EFFECTIVE FILING DATE.— The term  
11           “effective filing date of a claimed invention”  
12           means, with respect to a patenting authority in  
13           another country, a date equivalent to the effec-  
14           tive filing date of a claimed invention as defined  
15           in section 100(i) of title 35, United States  
16           Code, as added by subsection (a) of this section.

17           (3) RETENTION OF INTERFERENCE PROCE-  
18           DURES WITH RESPECT TO APPLICATIONS FILED BE-  
19           FORE EFFECTIVE DATE.—In the case of any applica-  
20           tion for patent that is filed before the effective date  
21           under paragraph (1)(A), the provisions of law  
22           amended by subsections (h) and (i) shall apply to  
23           such application as such provisions of law were in ef-  
24           fect on the day before such effective date.

Page 11, lines 21-23, strike “upon the expiration of the 18-month period beginning on the date of the enactment of this Act,” and insert “on the effective date provided in subsection (n)”.

