AMENDMENT TO H.R. 1249, AS REPORTED
OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

Page 7, strike line 3 and all that follows through page 8, line 11, and insert the following:

“(b) EXCEPTIONS.—

“(1) Description in a printed publication or patent, public uses, or sales made 1 year or less before the effective filing date of the claimed invention.—A description in a printed publication or patent, public use, offer for sale, or sale made 1 year or less before the effective filing date of a claimed invention, or making a claimed invention available to the public 1 year or less before the effective filing date of the claimed invention, shall not be prior art to the claimed invention under subsection (a)(1) if—

“(A) the description, public use, offer for sale, or sale of the claimed invention, or the making of the claimed invention available to the public, was made by the inventor or joint inventor or by another who obtained the subject matter described, publicly used, offered for sale,
sold, or made available to the public, directly or indirectly from the inventor or joint inventor; or

“(B) the subject matter described, publicly used, offered for sale, sold, or made available to the public had, before such description, public use, offer for sale, or sale of the claimed invention, or the making available to the public of the claimed invention, been publicly disclosed by the inventor or a joint inventor or another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.

“(2) Descriptions appearing in applications and patents.—A description shall not be prior art to a claimed invention under subsection (a)(2) if—

“(A) the subject matter described was obtained directly or indirectly from the inventor or a joint inventor;

“(B) the subject matter described had, before such subject matter was effectively filed under subsection (a)(2), been publicly disclosed by the inventor or a joint inventor or another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or
“(C) the subject matter described and the claimed invention, not later than the effective filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

Page 8, lines 13 and 18, strike “disclosed” and insert “described”.