

**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:

1       “(b) EXCEPTIONS.—

2               “(1) DESCRIPTIONS IN A PRINTED PUBLICA-  
3       TION OR PATENT, PUBLIC USES, OR SALES MADE 1  
4       YEAR OR LESS BEFORE THE EFFECTIVE FILING  
5       DATE OF THE CLAIMED INVENTION.—A description  
6       in a printed publication or patent, public use, offer  
7       for sale, or sale made 1 year or less before the effec-  
8       tive filing date of a claimed invention, or making a  
9       claimed invention available to the public 1 year or  
10      less before the effective filing date of the claimed in-  
11      vention, shall not be prior art to the claimed inven-  
12      tion under subsection (a)(1) if—

13               “(A) the description, public use, offer for  
14      sale, or sale of the claimed invention, or the  
15      making of the claimed invention available to the  
16      public, was made by the inventor or joint inven-  
17      tor or by another who obtained the subject mat-  
18      ter described, publicly used, offered for sale,

1 sold, or made available to the public, directly or  
2 indirectly from the inventor or joint inventor; or

3 “(B) the subject matter described, publicly  
4 used, offered for sale, sold, or made available to  
5 the public had, before such description, public  
6 use, offer for sale, or sale of the claimed inven-  
7 tion, or the making available to the public of  
8 the claimed invention, been publicly disclosed by  
9 the inventor or a joint inventor or another who  
10 obtained the subject matter disclosed directly or  
11 indirectly from the inventor or a joint inventor.

12 “(2) DESCRIPTIONS APPEARING IN APPLICA-  
13 TIONS AND PATENTS.—A description shall not be  
14 prior art to a claimed invention under subsection  
15 (a)(2) if—

16 “(A) the subject matter described was ob-  
17 tained directly or indirectly from the inventor or  
18 a joint inventor;

19 “(B) the subject matter described had, be-  
20 fore such subject matter was effectively filed  
21 under subsection (a)(2), been publicly disclosed  
22 by the inventor or a joint inventor or another  
23 who obtained the subject matter disclosed di-  
24 rectly or indirectly from the inventor or a joint  
25 inventor; or

1                   “(C) the subject matter described and the  
2                   claimed invention, not later than the effective  
3                   filing date of the claimed invention, were owned  
4                   by the same person or subject to an obligation  
5                   of assignment to the same person.

Page 8, lines 13 and 18, strike “disclosed” and in-  
sert “described”.

