

**AMENDMENT TO H.R. 1249, AS REPORTED**  
**OFFERED BY MR. TERRY OF NEBRASKA**

Page 5, line 1, strike “**FIRST INVENTOR TO FILE**” and insert “**DERIVATION PROCEEDINGS**” (and conform the table of contents accordingly).

Page 5, strike line 2 and all that follows through page 13, line 25 and redesignate succeeding subsections accordingly.

Page 18, strike lines 3 through 20 and insert the following (and redesignate succeeding paragraphs accordingly):

1       (c) ELIMINATION OF REFERENCES TO INTER-  
2 REFERENCES.—

Page 24, strike lines 3 and 4 and insert the following:

3       (g) EFFECTIVE DATE.—Except as otherwise provided

Page 24, line 11, redesignate subparagraph (A) as paragraph (1) and move such paragraph 2ems to the left.

Page 24, line 16, redesignate subparagraph (B) as paragraph (2) and move such paragraph 2ems to the left.

Page 24, strike line 20 and all that follows through page 25, line 12.

Page 27, strike lines 3 through 20.

Page 27, strike line 22.

Page 27, line 23, redesignate paragraph (1) as subsection (a) and move such subsection 2ems to the left.

Page 28, strike line 22 and all that follows through page 33, line 12.

Page 33, line 13, redesignate paragraph (4) as subsection (b) and move such subsection 2ems to the left.

Page 33, strike line 17 and all that follows through page 36, line 9.

Page 37, line 5, strike “commercially”.

Page 65, line 4, strike “a preponderance of the” and insert “clear and convincing”.

Page 68, strike line 18 and all that follows through page 70, line 2.

Page 71, strike lines 16 through 19.

Page 73, line 3, after “**BOARD**” insert “**AND INTERFERENCES**” (and conform the table of contents accordingly).

Page 73, line 7, after “**Board**” insert “**and Interferences**”.

Page 74, after line 2, insert the following new paragraph and redesignate succeeding paragraphs accordingly:

- 1           (3) determine priority and patentability of in-
- 2           vention in interferences declared under section
- 3           135(a);

Page 75, in the matter following line 2, after “Board” insert “and Interferences”.

Page 76, line 7, strike “DERIVATION” and insert “INTERFERENCES AND DERIVATION”.

Page 76, line 7, insert “an interference or” before “a deri-”.

Page 76, line 12, strike “derivation”.

Page 76, line 25, insert “interference proceeding,” before “derivation”.

Page 77, line 6, insert “an interference or” before “a derivation”.

Page 77, line 23, insert “an interference or” before “a derivation”.

Page 80, line 12, before the semicolon insert the following: “, including how each document corresponds to the claims in the patent application”.

Page 93, line 23, insert “AND INTERFERENCE” before “FEES”.

Page 93, line 24, insert “or an interference” before “from the”.

Page 94, line 2, after “appeal” insert “or the interference”.

Page 94, line 3, after “appeal” insert “or the interference”.

Page 99, line 9, strike “\$50” and insert “the actual cost of providing such printed copies”.

Page 105, line 9, strike “refer” and insert “transfer”.

Page 105, beginning on line 10, strike “such action as the Attorney General may deem appropriate” and insert “prosecution”.

Page 108, strike lines 13 through 15 and redesignate the succeeding subsection accordingly.

Page 108, strike line 21 and all that follows through page 109, line 17, and redesignate succeeding sections (and conform the table of contents) accordingly.

Page 112, strike line 18 and all that follows through page 118, line 2, and redesignate succeeding sections (and conform the table of contents) accordingly.

Page 118, strike lines 4 through 15 and insert the following: “Section 1295(a)(1) of title 28, United States Code,”.

Page 122, strike line 20 and all that follows through page 125, line 17 and redesignate succeeding subsections accordingly.

Page 134, line 20, strike “shall, by not later than the date that is” and insert “may, before”.

Page 136, line 11, strike “all such” and insert “any”.

Page 136, line 12, insert “if applicable,” before “whether”.

