

AMENDMENT NO. _____ Calendar No. _____

Purpose: To exempt the failure to comply with the best mode requirement from being used a defense in any action involving the validity or infringement of a patent.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

S. 1145

To amend title 35, United States Code, to provide for patent reform.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by

Viz:

1 On page 61, after line 20, insert the following:

2 **SEC. 13. CLARIFICATION OF DEFENSES IN ACTION INVOLV-**
3 **ING THE VALIDITY OR INFRINGEMENT OF A**
4 **PATENT.**

5 Section 282(b)(3) of title 35, United States Code, as
6 so designated and amended by section 12(f), is further
7 amended by striking “sections 112 or 251 of this title”
8 and inserting “section 112 of this title, except for the best
9 mode requirement, or section 251 of this title”.

1 On page 61, line 21, strike “**13**” and insert “**14**”.