A CLARIFICATION FOR THE PATENT AND TRADEMARK PROVISIONS OF H.R. 1554, AS PASSED IN THE HOUSE OF REPRESENTATIVES ON NOVEMBER 9, 1999

HON. DONALD A. MANZULLO OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 16, 1999

Mr. MANZULLO. Mr. Speaker, H.R. 1554, the Satellite Home Viewer Act, includes most of the legislation that would impact the U.S. Patent system. I worked closely with the authors of the bill in the House of Representatives. I appreciate the time they took to listen to my strong concerns about the original bill, H.R. 1907, which passed in the House overwhelmingly this past August. I offered these remarks, however, to create a legislative history and to clarify language in one of the sections I believed needed reworking—the title concerning Third Party Re-Examination.

Under Subtitle I—Optional Inter Partes Re-examination Procedure, Section 4605. Conforming Amendments, paragraph (b) contains what I believe to be a technical error. Section 134 of title 35 of the United States Code is amended in two sub-paragraphs (a) and (b). H.R. 1554 uses the term “administrative patent judge” where it should read “primary examiner,” in both paragraphs. Therefore, this section should read:

Section 134 of title 35, United States Code, is amended to read as follows: “Section 134. Appeal to the Board of Patent Appeals and Interferences: (a) Patent Applicant.—An applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the primary examiner to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal. (b) Patent Owner.—A patent owner in any reexamination proceeding may appeal from the final rejection of any claim by the primary examiner to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal.”

I thank the Speaker for his indulgence in allowing me this opportunity to clarify the language of this section of H.R. 1554.