

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5119

To make technical corrections in patent law.

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IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2002

Mr. ISSA introduced the following bill; which was referred to the Committee  
on the Judiciary

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## A BILL

To make technical corrections in patent law.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Plant Breeders Equity  
5 Act of 2002”.

6 **SEC. 2. AMENDMENTS TO TITLE 35, UNITED STATES CODE.**

7 (a) **HEADING.**—The heading of section 162 of title  
8 35, United States Code, is amended to read as follows:  
9 **“§ 162. Description, claim, novelty”.**

10 (b) **NOVELTY.**—Section 162 of title 35, United States  
11 Code, is amended by adding at the end the following new  
12 paragraph:

1 “No plant patent application shall be denied, nor  
2 shall any issued plant patent be invalidated, on the  
3 grounds that the invention was described in a printed pub-  
4 lication to which section 102(b) of this title applies, unless  
5 the invention was described in a printed publication in this  
6 or a foreign country more than ten years prior to the date  
7 of the application for patent in the United States.”.

8 (c) CONFORMING AMENDMENT.—The item relating  
9 to section 162 in the table of sections for chapter 15 of  
10 title 35, United States Code, is amended to read as fol-  
11 lows:

“162. Description, claim, novelty.”.

12 (d) EFFECTIVE DATE.—The amendments made by  
13 this section shall take effect on the date of the enactment  
14 of this Act and shall apply to any application for a plant  
15 patent that is filed on and after that date, or is pending  
16 on that date, and to any patent in force on that date.

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