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Citation: 1 To Enhance Fairness in Compensating Owners of
Used by the United States P.L. 104-308 110 Stat. 3814
1996

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104TH CONGRESS
1ST SESSION

H. R. 632

IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 1995

Received

DECEMBER 21, 1995

Read twice and referred to the Committee on the Judiciary

AN ACT

To enhance fairness in compensating owners of patents used
by the United States.

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. JUST COMPENSATION.**

4 (a) **AMENDMENT.**—Section 1498(a) of title 28,
5 United States Code, is amended by adding at the end of

1 the first paragraph the following: “Reasonable and entire
2 compensation shall include the owner’s reasonable costs,
3 including reasonable fees for expert witnesses and attor-
4 neys, in pursuing the action if the owner is an independent
5 inventor, a nonprofit organization, or an entity that had
6 no more than 500 employees at any time during the 5-
7 year period preceding the use or manufacture of the pat-
8 ented invention by or for the United States. Reasonable
9 and entire compensation described in the preceding sen-
10 tence shall not be paid from amounts available under sec-
11 tion 1304 of title 31, but shall be payable subject to such
12 extent or in such amounts as are provided in annual ap-
13 propriations Acts.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall apply to actions under section 1498(a)
16 of title 28, United States Code, that are pending on, or
17 brought on or after, January 1, 1995.

Passed the House of Representatives December 12,
1995.

Attest:

ROBIN H. CARLE,
Clerk.

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