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to Patents on Biotechnological Processes Pub. L.
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101ST CONGRESS
2D SESSION

H. R. 5664

To amend title 35, United States Code, with respect to patents on certain processes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 1990

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

A BILL

To amend title 35, United States Code, with respect to patents on certain processes.

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 “Process Patent Amend-
5 ments of 1990”.

6 **SEC. 2. PATENTABILITY OF CERTAIN PROCESSES.**

7 Section 103 of title 35, United States Code, is amended
8 by adding at the end the following new paragraph:

9 “When a process of making or using a machine, manu-
10 facture, or composition of matter is sought to be patented in

1 the same application as such machine, manufacture, or com-
2 position of matter, such process shall not be considered as
3 obvious under this section if such machine, manufacture, or
4 composition of matter is novel under section 102 and nonob-
5 vious under this section. If the patentability of such process
6 depends upon such machine, manufacture, or composition of
7 matter, then a single patent shall issue on the application.”.

8 **SEC. 3. EFFECTIVE DATE.**

9 The amendment made by section 2 shall apply to all
10 United States patents granted on or after the date of the
11 enactment of this Act and to all applications for United
12 States patents pending on or filed after such date of enact-
13 ment, including any application for the reissuance of a patent.

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