

AMENDMENT NO. _____ Calendar No. _____

Purpose: To eliminate the best mode requirement as a permissible ground on which to challenge the validity of a patent.

IN THE SENATE OF THE UNITED STATES—110th Cong., 2d 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

AMENDMENT intended to be proposed by Mr. LEAHY

Viz:

1 On page 126, after line 4, insert the following:

2 **SEC. 18. BEST MODE REQUIREMENT.**

3 Section 282(b) (as designated by section 16(f) of this
4 Act) is amended by striking paragraph (3) and inserting
5 the following:

6 “(3) Invalidity of the patent or any claim in
7 suit for failure to comply with—

8 “(A) any requirement of section 112 of
9 this title, other than the requirement that the

1 specification shall set forth the best mode con-
2 templated by the inventor of carrying out his
3 invention; or

4 “(B) any requirement of section 251 of
5 this title.”.