

109TH CONGRESS
2^D SESSION

H. R. 5831

To authorize the Director of the United States Patent and Trademark Office to extend a reissue patent for up to two years if the application for reissue is not processed within 10 years.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2006

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

A BILL

To authorize the Director of the United States Patent and Trademark Office to extend a reissue patent for up to two years if the application for reissue is not processed within 10 years.

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. AUTHORITY TO EXTEND PATENTS IN IN-**
4 **STANCES OF MORE THAN 10 YEAR APPLICA-**
5 **TION PENDENCY FOR REISSUED PATENTS.**

6 Section 154(b) of title 35, United States Code, is
7 amended—

1 (1) by redesignating paragraphs (3) and (4) as
2 paragraphs (4) and (5), respectively; and

3 (2) by inserting after paragraph (2) the fol-
4 lowing new subparagraph:

5 “(3) AUTHORITY TO EXTEND A PATENT WHEN
6 APPLICATION FOR REISSUE IS PENDING FOR 10 OR
7 MORE YEARS.—If the reissue of a patent is delayed
8 due to the failure of the United States Patent and
9 Trademark Office to reissue the patent within 10
10 years after the actual filing of the application for re-
11 issue in the United States, the Director may extend
12 the term of the reissued patent for a period not to
13 exceed two years.”.

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