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to Patents on Biotechnological Processes Pub. L.  
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102D CONGRESS  
1ST SESSION

# H. R. 1417

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 1991

Mr. BOUCHER (for himself, Mr. MOORHEAD, Mr. DWYER of New Jersey, Mr. COBLE, Ms. KAPTUR, Mr. GALLEGLY, Mr. MILLER of Washington, Mr. DELUGO, Mr. STENHOLM, Mr. TOWNS, Mrs. MORELLA, Mr. FISH, Mr. CAMPBELL of California, Mr. ANDREWS of Texas, Mr. LAGOMARSINO, Mr. BRUCE, Mr. MCCLOSKEY, Mr. DICKS, Mr. LIPINSKI, Mr. MCCOLLUM, and Mr. JEFFERSON) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 "Biotechnology Patent  
5 Protection Act of 1991".

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

2 Section 103 of title 35, United States Code, is  
3 amended by adding at the end the following new para-  
4 graph:

5 “When a process of making or using a machine, man-  
6 ufacture, or composition of matter is sought to be pat-  
7 ented in the same application as such machine, manufac-  
8 ture, or composition of matter, such process shall not be  
9 considered as obvious under this section if such machine,  
10 manufacture, or composition of matter is novel under sec-  
11 tion 102 and nonobvious under this section. If the patent-  
12 ability of such process depends upon such machine, manu-  
13 facture, or composition of matter, then a single patent  
14 shall issue on the application.”.

15 **SEC. 3. EFFECTIVE DATE.**

16 The amendment made by section 2 shall apply to all  
17 United States patents granted on or after the date of the  
18 enactment of this Act and to all applications for United  
19 States patents pending on or filed after such date of enact-  
20 ment, including any application for the reissuance of a  
21 patent.

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