

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1908
OFFERED BY MR. PENCE OF INDIANA**

Page 60, insert the following after line 4 and redesignate succeeding sections accordingly:

1 **SEC. 12. BEST MODE REQUIREMENT.**

2 Section 282(b) (as designated by section 11 of this
3 Act) is amended by striking paragraph (3) and inserting
4 the following:

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

7 “(A) any requirement of section 112 of
8 this title other than the requirement that the
9 specification shall set forth the best mode con-
10 templated by the inventor of carrying out his
11 invention, or

12 “(B) any requirement of section 251 of
13 this title.”.

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1908
OFFERED BY MS. JACKSON-LEE OF TEXAS**

Page 16, insert the following after line 11:

1 (1) REVIEW EVERY 7 YEARS.—Not later than the end
2 of the 7-year period beginning on the effective date under
3 subsection (k), and the end of every 7-year period there-
4 after, the Under Secretary for Intellectual Property and
5 Director of the United States Patent and Trademark Of-
6 fice shall—

7 (1) conduct a study on the effectiveness and ef-
8 ficiency of the amendments made by this section;
9 and

10 (2) submit to the Committees on the Judiciary
11 of the House of Representatives and the Senate a
12 report on the results of the study, including any rec-
13 ommendations the Director has on amendments to
14 the law and any other recommendations the Director
15 has with respect to the first-to-file system imple-
16 mented under the amendments made by this section.