

1 (b) TAKINGS.—If this section is found to establish
2 a taking of private property for public use without just
3 compensation, this section shall be null and void. The ex-
4 clusive remedy for such a finding shall be invalidation of
5 this section. In the event of such invalidation, for purposes
6 of application of the time limitation on damages in section
7 286 of title 35, United States Code, any action for patent
8 infringement or counterclaim for infringement that could
9 have been filed or continued but for this section, shall be
10 considered to have been filed on the date of enactment
11 of this Act or continued from such date of enactment.

12 (c) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall apply to any civil action for patent
14 infringement pending or filed on or after the date of enact-
15 ment of this Act.

16 **SEC. 14. PATENT AND TRADEMARK OFFICE FUNDING.**

17 (a) DEFINITIONS.—In this section:

18 (1) DIRECTOR.—The term “Director” means
19 the Director of the United States Patent and Trade20
mark Office.

21 (2) FUND.—The term “Fund” means the pub22
lic enterprise revolving fund established under sub23
section (c).

24 (3) OFFICE.—The term “Office” means the
25 United States Patent and Trademark Office.