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§13–405.

(a) Except as otherwise provided in this section, the Commissioner shall hold a hearing under § 13-406 of this subtitle to determine whether to issue a patent to the applicant.

(b) (1) Within 30 days after the expiration of the period for filing objections, any party to the proceeding may request the Commissioner in writing for referral of the proceeding to the circuit court for declaratory relief under § 13-407 of this subtitle. The request shall set forth in detail the reasons for requesting the referral.

(2) Each request shall be signed and verified by the person making the request and contain a certification that a copy of the request was forwarded, at the address on record with the Commissioner, to:

(i) Each other party to the proceeding; and

(ii) Each other person entitled to notice under this title.

(c) (1) The Commissioner shall consider any request for referral filed under this section. Promptly after the expiration of the period for filing requests, the Commissioner may:

(i) Notwithstanding any request for referral, order that the proceeding be set for a hearing before the Commissioner under § 13-406 of this subtitle; or

(ii) On request for referral or on the Commissioner's own initiative, order that the proceeding be referred to the circuit court for declaratory relief under § 13-407 of this subtitle.

(2) The order of the Commissioner shall set forth the reasons for it and shall be mailed to:

(i) Each party to the proceeding; and

(ii) Each other person entitled to notice under this title.

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