

**Calendar No. 102**

103D CONGRESS  
1ST SESSION

**S. 409**

**[Report No. 103-64]**

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**A BILL**

To extend the terms of various patents, and for  
other purposes.

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JUNE 23 (legislative day, JUNE 22), 1993  
Reported with an amendment

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1<sup>ST</sup> SESSION**S. 409****[Report No. 103-64]**

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 18 (legislative day, JANUARY 5), 1993

Mr. GLENN (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. DURENBERGER, Mr. HEFLIN, Mr. THURMOND, Mrs. FEINSTEIN, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Finance

FEBRUARY 24 (legislative day, JANUARY 5), 1993

Committee discharged; ordered referred to the Committee on the Judiciary

JUNE 23 (legislative day, JUNE 22), 1993

Reported by Mr. BIDEN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To extend the terms of various patents, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PATENT TERM EXTENSION FOR OLESTRA.**

2 (a) ~~IN GENERAL.~~—The terms of United States pat-  
3 ents numbered 4,005,195, 4,005,196, and 4,034,083 (and  
4 any reissues of such patents) shall each be extended for  
5 a period beginning on the date of its expiration through  
6 December 31, 1997.

7 (b) ~~POST-MARKET SURVEILLANCE.~~—The holders of  
8 the patents extended under this section shall, following the  
9 first permission for marketing olestra, undertake a post-  
10 market program that shall provide data regarding the in-  
11 fluence of olestra-containing products upon the overall die-  
12 tary intake of fats. Such data shall be subject to the usual  
13 standards of professional peer review. At the end of the  
14 study period, such data shall be submitted to the Food  
15 and Drug Administration for review. Such study data  
16 shall be in a format which shall be made available to Con-  
17 gress for public review. The requirements of this sub-  
18 section shall not in any manner preempt the authority of  
19 the Food and Drug Administration to request and to re-  
20 ceive any other information it determines necessary in the  
21 course of its ongoing regulatory activities.

22 **SEC. 2. EXTENSION OF PATENT FOR INSIGNIA.**

23 A certain design patent numbered 29,611, which was  
24 issued by the United States Patent Office on November  
25 8, 1898, which is the insignia of the United Daughters  
26 of the Confederacy, and which was renewed and extended

1 for a period of 14 years by the Act entitled “An Act grant-  
2 ing an extension of patent to the United Daughters of the  
3 Confederacy”, approved November 11, 1977 (Public Law  
4 95-168, 91 Stat. 1349), is renewed and extended for an  
5 additional period of 14 years beginning on the date of en-  
6 actment of this Act, with all the rights and privileges per-  
7 taining to such patent.

8 **SEC. 3. PATENT TERM EXTENSIONS FOR AMERICAN LE-**  
9 **GION.**

10 (a) **BADGE OF AMERICAN LEGION.**—The term of a  
11 certain design patent numbered 54,296 (for the badge of  
12 the American Legion) is renewed and extended for a pe-  
13 riod of 14 years beginning on the date of enactment of  
14 this Act, with all the rights and privileges pertaining to  
15 such patent.

16 (b) **BADGE OF AMERICAN LEGION WOMEN’S AUXIL-**  
17 **IARY.**—The term of a certain design patent numbered  
18 55,398 (for the badge of the American Legion Women’s  
19 Auxiliary) is renewed and extended for a period of 14  
20 years beginning on the date of enactment of this Act, with  
21 all the rights and privileges pertaining to such patent.

22 (c) **BADGE OF SONS OF THE AMERICAN LEGION.**—  
23 The term of a certain design patent numbered 92,187 (for  
24 the badge of the Sons of the American Legion) is renewed  
25 and extended for a period of 14 years beginning on the

1 date of enactment of this Act, with all the rights and privi-  
2 leges pertaining to such patent.

3 **SEC. 4. INTERVENING RIGHTS.**

4 The renewals and extensions of the patents under  
5 sections 2 and 3 shall not result in infringement of any  
6 such patent on account of any use of the subject matter  
7 of the patent, or substantial preparation for such use,  
8 which began after the patent expired, but before the date  
9 of the enactment of this Act.

10 **SEC. 5. EFFECTIVE DATE.**

11 The provisions of this Act shall take effect on the  
12 date of the enactment of this Act.

13 **SECTION 1. PATENT TERM EXTENSION FOR OLESTRA.**

14 (a) *IN GENERAL.*—The terms of United States patents  
15 numbered 4,005,195, 4,005,196, and 4,034,083 (and any re-  
16 issues of such patents) shall each be extended for a period  
17 beginning on the date of its expiration through December  
18 31, 1997.

19 (b) *POST-MARKET SURVEILLANCE.*—The holders of the  
20 patents extended under this section shall, following the first  
21 permission for marketing olestra, undertake a post-market  
22 program that shall provide data regarding the influence of  
23 olestra-containing products upon the overall dietary intake  
24 of fats. Such data shall be subject to the usual standards  
25 of professional peer review. At the end of the study period,

1 *such data shall be submitted to the Food and Drug Admin-*  
2 *istration for review. Such study data shall be in a format*  
3 *which shall be made available to Congress for public review.*  
4 *The requirements of this subsection shall not in any manner*  
5 *preempt the authority of the Food and Drug Administra-*  
6 *tion to request and to receive any other information it de-*  
7 *termines necessary in the course of its ongoing regulatory*  
8 *activities.*

9 **SEC. 2. PATENT TERM EXTENSIONS FOR AMERICAN LE-**  
10 **GION.**

11 *(a) BADGE OF AMERICAN LEGION.—The term of a cer-*  
12 *tain design patent numbered 54,296 (for the badge of the*  
13 *American Legion) is renewed and extended for a period of*  
14 *14 years beginning on the date of enactment of this Act,*  
15 *with all the rights and privileges pertaining to such patent.*

16 *(b) BADGE OF AMERICAN LEGION WOMEN’S AUXIL-*  
17 *IARY.—The term of a certain design patent numbered*  
18 *55,398 (for the badge of the American Legion Women’s Aux-*  
19 *iliary) is renewed and extended for a period of 14 years*  
20 *beginning on the date of enactment of this Act, with all*  
21 *the rights and privileges pertaining to such patent.*

22 *(c) BADGE OF SONS OF THE AMERICAN LEGION.—The*  
23 *term of a certain design patent numbered 92,187 (for the*  
24 *badge of the Sons of the American Legion) is renewed and*  
25 *extended for a period of 14 years beginning on the date of*

1 *enactment of this Act, with all the rights and privileges per-*  
2 *taining to such patent.*

3 **SEC. 3. INTERVENING RIGHTS.**

4 *The renewals and extensions of the patents under sec-*  
5 *tion 2 shall not result in infringement of any such patent*  
6 *on account of any use of the subject matter of the patent,*  
7 *or substantial preparation for such use, which began after*  
8 *the patent expired, but before the date of the enactment of*  
9 *this Act.*

10 **SEC. 4. EFFECTIVE DATE.**

11 *The provisions of this Act shall take effect on the date*  
12 *of the enactment of this Act.*

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