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112TH CONGRESS
1ST SESSION

H. R. 1056

To amend title 35, United States Code, with respect to false marking.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2011

Mr. ISSA (for himself, Mr. CONYERS, Mr. GOWDY, Mr. JOHNSON of Georgia, and Mr. COBLE) 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 false marking.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patent Continuing Disclosure Act''.

SEC. 2. FALSE MARKING.

Section 292 of title 35, United States Code, is amended by adding at the end the following:

''(c)(1) Any person who makes, uses, offers for sale, or sells within the United States, or imports into the

United States, an item that is affixed with the word 'patent' and is accompanied by a number for a patent that has been granted by the Patent and Trademark Office to that person for that item shall not be fined under this section after the patent expires if—

"(A) no change in the manufacturing or production process of the item occurs after the expiration of the patent; or

"(B) in a case in which a change in the manufacturing or production process of the item occurs after the expiration of the patent, the word 'expired' is placed before the word 'patent' or the patent number.

"(2) For purposes of this subsection, the term 'change in the manufacturing or production process' of an item means an intentional expansion, enhancement, improvement, or repair, that suspends, for a period of at least 24 hours, the normal operating procedures through which the item is assembled, made, crafted, manufactured, built, or fabricated from individual components or raw materials, or both.".

SEC. 3. APPLICABILITY.

The amendment made by section 2 shall apply to any case pending on the date of the enactment of this Act and

1 to any case commenced on or after such date of enact-
2 ment.

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