

103D CONGRESS
1ST SESSION

S. 409

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 18 (legislative day, JANUARY 5), 1993

Mr. GLENN (for himself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Finance

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,*

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

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

9 (b) POST-MARKET SURVEILLANCE.—The holders of
10 the patents extended under this section shall, following the
11 first permission for marketing olestra, undertake a post-

1 market program that shall provide data regarding the in-
2 fluence of olestra-containing products upon the overall die-
3 tary intake of fats. Such data shall be subject to the usual
4 standards of professional peer review. At the end of the
5 study period, such data shall be submitted to the Food
6 and Drug Administration for review. Such study data
7 shall be in a format which shall be made available to Con-
8 gress for public review. The requirements of this sub-
9 section shall not in any manner preempt the authority of
10 the Food and Drug Administration to request and to re-
11 ceive any other information it determines necessary in the
12 course of its ongoing regulatory activities.

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

14 A certain design patent numbered 29,611, which was
15 issued by the United States Patent Office on November
16 8, 1898, which is the insignia of the United Daughters
17 of the Confederacy, and which was renewed and extended
18 for a period of 14 years by the Act entitled "An Act grant-
19 ing an extension of patent to the United Daughters of the
20 Confederacy", approved November 11, 1977 (Public Law
21 95-168, 91 Stat. 1349), is renewed and extended for an
22 additional period of 14 years beginning on the date of en-
23 actment of this Act, with all the rights and privileges per-
24 taining to such patent.

1 **SEC. 3. PATENT TERM EXTENSIONS FOR AMERICAN LE-**
2 **GION.**

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

9 (b) **BADGE OF AMERICAN LEGION WOMEN'S AUXIL-**
10 **IARY.**—The term of a certain design patent numbered
11 55,398 (for the badge of the American Legion Women's
12 Auxiliary) is renewed and extended for a period of 14
13 years beginning on the date of enactment of this Act, with
14 all the rights and privileges pertaining to such patent.

15 (c) **BADGE OF SONS OF THE AMERICAN LEGION.**—
16 The term of a certain design patent numbered 92,187 (for
17 the badge of the Sons of the American Legion) is renewed
18 and extended for a period of 14 years beginning on the
19 date of enactment of this Act, with all the rights and privi-
20 leges pertaining to such patent.

21 **SEC. 4. INTERVENING RIGHTS.**

22 The renewals and extensions of the patents under
23 sections 2 and 3 shall not result in infringement of any
24 such patent on account of any use of the subject matter
25 of the patent, or substantial preparation for such use,

1 which began after the patent expired, but before the date
2 of the enactment of this Act.

3 **SEC. 5. EFFECTIVE DATE.**

4 The provisions of this Act shall take effect on the
5 date of the enactment of this Act.

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