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SENATE

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H.R.6286	OCT 1[illegible] '84 (135[illegible])	S14446

ACTION: AMENDMENT NUMBER 7102 by MR. MATHIAS

EFFECTIVENESS OF THE PATENT LAWS

MATHIAS AMENDMENT NO. 7102

Mr. BAKER (for Mr. MATHIAS) proposed an amendment to the bill (H.R. 6286) to amend title 35, United States Code, to increase the effectiveness of the patent laws, and for other purposes; as follows:

Strike all of Section 101, and insert in lieu thereof the following:

SEC. 101. (a) Section 271 of title 35, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) Whoever without authority supplies or causes to be supplied in or from the United States all or a substantial portion of the components of a patented invention, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer.

"(2) Whoever without authority supplies or causes to be supplied in or from the United States any component of a patented invention that is especially made or especially adapted for use in the invention and not a staple article or commodity of commerce suitable for substantial noninfringing use, where such component is uncombined in whole or in part, knowing that such component is so made to adapted and intending that such component will be combined outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer.".

Strike all of Section 103 and insert in lieu thereof the following:

CONURRENT TRADEMARK USE

SEC. 103. Section 2(d) of the Act of July 5, 1946, commonly known as the Lanham Act (15 U.S.C. 1052(d)), is amended by adding at the end of the first full sentence thereof the following: "Use prior to any filing date of a pending application or registration shall not be required when the owner of such application or registration consents to the grant of a concurrent registration to the applicant.".

In Section 107, strike all of subsection (a) and insert in lieu thereof the following:

"(a) Subject to subsections (b), (c), (d) and (e) of this section, the amendments made by this Act shall apply to all United States patents granted before, on, or after the date of enactment of this Act, and to all applications for United States patents pending on or filed after the date of enactment.".

In Subsection (d) of Section 107, strike "section 103, 104 or 105" after "a ground obviated by" and before "of this Act", and insert in lieu thereof: "Section 104 or 105".

In Section 102(a) of the bill, strike the final quotation mark (") and the period following the final quotation mark, and insert in lieu thereof the following:

"(d) The Secretary of Commerce shall report to the Congress annually on the use of statutory invention registrations. Such report shall include an assessment of the degree to which agencies of the federal government are making use of the statutory invention registration system, the degree to which it aids the management of federally developed technology, and an assessment of the cost savings to the Federal Government of the use of such procedures.".

In section 102 of the bill strike "§ 156. Statutory invention registration" each place it appears and insert in lieu thereof the following: "§ 157. Statutory invention registration".

In section 309 of the bill, strike "1,000,000" and insert in lieu thereof: "250,000".