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SENATE

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| H.R. 2632 | Nov. 10, 1993 | S15619-20 |

**Action:**

**Amendment No. 1161 submitted by Mr. Ford and Mr. Glenn**

PATENT AND TRADEMARK OFFICE AUTHORIZATION ACT OF 1993

GLENN AMENDMENT NO. 1161

Mr. FORD (for Mr. GLENN) proposed an amendment to the bill (H.R. 2632) to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994; as follows:

At the end of the bill insert the following:

SECTION 1. PATENT TERM EXTENSION FOR OLESTRA.

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

(b) POST-MARKET SURVEILLANCE.—The holders of the patents extended under this section shall, following the first permission for marketing olestra, undertake a post-market program that shall provide data regarding the influence of olestra-containing products upon the overall dietary intake of fats. Such data shall be subject to the usual standards of professional peer review. At the end of the study period, such data shall be submitted to the Food and Drug Administration for review. Such study data shall be in a format which shall be made available to Congress for public review. The requirements of this subsection shall not in any manner preempt the authority of the Food and Drug Administration to request and to receive any other information it determines necessary in the course of its ongoing regulatory activities.

SEC. 2. PATENT TERM EXTENSIONS FOR AMERICAN LEGION.

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

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

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

SEC. 3. INTERVENING RIGHTS.

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

SEC. 4. EFFECTIVE DATE.

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